

# DISTRICT OF COLUMBIA OFFICIAL CODE

*2001 Edition*

History of D.C Code

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Acts Relating to Establishment &  
Governmental Organization of  
District of Columbia

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Acts Relating to Corporation of  
Georgetown

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United States Constitution



40<sup>th</sup> ANNIVERSARY  
of  
HOME RULE



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# DISTRICT OF COLUMBIA

## *OFFICIAL CODE*

**2001 EDITION**

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Containing the Laws, general and permanent in their nature,  
relating to or in force in the District of Columbia (Except such  
laws as are of application in the General and Permanent  
Laws of the United States) as of September 13, 2012.

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### VOLUME 1

History of D.C. Code

Acts Relating to the Establishment  
of the District of Columbia and its  
Various Forms of Governmental Organization  
Acts Relating to Corporation of Georgetown  
Constitution of the State of New Columbia  
Constitution of the United States of America



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# Foreword to 2013 Commemorative Set

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LexisNexis presents the 2013 republication of the District of Columbia Official Code, 2001 Edition to the D.C. bench and bar and to the citizens of the District of Columbia in a sincere belief that it will prove a material contribution to the orderly and efficient conduct of the government of the District and to the practice of law. LexisNexis is proud to help commemorate the 40th anniversary of Home Rule for the District of Columbia.

LexisNexis continues its tradition of excellence with its District of Columbia Official Code, 2001 Edition. This 2013 Volume 1 replaces any existing Volume 1 of the 2001 Edition and its 2012 Supplement, both of which may now be discarded, recycled, or retained for historical reference. Future supplements will be keyed to this 2013 Volume and not to any of its predecessors.

The District of Columbia Official Code, 2001 Edition, represents the eighth compilation of the laws of the District of Columbia and reflects an extensive renumbering of the 1981 Edition. Users should consult the historical citations at the end of each statute, and corresponding amendment notes, as guides to legislative currency. Research features such as case annotations, section references, effect of legislation notes, editor's notes, and the comprehensive index have been prepared by LexisNexis. Your set is kept up to date through regular supplementation, free access to the on-line Official Code at <http://www.lexisnexis.com/hottopics/dccode> and the periodic replacement of volumes. All case citations are Shepardized for accuracy and continued relevance. LexisNexis also publishes a District of Columbia Advance Legislative Service (ALS). The ALS gives you the latest session laws as they are passed, along with tables showing you which sections of the Code are affected.

We actively solicit your comments and suggestions. If you have questions or comments about the statutes, or if you have suggestions regarding index improvements, please write to us or call us toll-free at 1-800-833-9844; fax us toll free at 1-800-643-1280; E-mail us at [customersupport@bender.com](mailto:customersupport@bender.com); or visit our website at <http://www.lexisnexis.com>. By providing us with your informed comments, you will be assured of having a working tool which increases in value each year.

LEXISNEXIS

June 2013



## PREFACE TO THE 2001 EDITION

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The 2001 Edition of the District of Columbia Official Code marks the eighth time that a compilation of the Laws of the District of Columbia has been published by, or under the authority of, the government of the District of Columbia or that of the United States. The District of Columbia Code was first published in 1929; eleven years later, the Second Edition (1940) was published; another eleven years later, the Third Edition (1951); ten years later, the Fourth Edition (1961); six years later, the Fifth Edition (1967); another six years later, the Sixth Edition (1973); and 8 years later, the Seventh Edition (1981) was published. The time between the publication of the Seventh Edition and this Eighth Edition represents the longest period, by almost a decade, that the District of Columbia Code has gone unrevised in its 72 year history.

The District's Charter, which in 1973, established the current tripartite government of the District of Columbia, makes it incumbent upon the legislative branch to publish and codify every act of the Council, as the Council directs, upon becoming law, so that the residents of the District may have ready access to the laws by which they are governed. In 1973, however, the framers of the District's constitution could not have foreseen the incredible technological advances that would occur in the next 25 years nor the impact they would have on the Code.

With the close of the 20th Century the world has witnessed the triumph of the Information Age, the rise of the World Wide Web, and the explosion of word processing and data storage technology. These phenomena have helped make the reproduction of legal text and data a fast, easy, and inexpensive enterprise, giving rise to a plethora of publishing mediums, and have made it a relatively simple task to reproduce existing legal text, including the District of Columbia Code. The rapid rise of the Computer Age has allowed virtually anyone with an ordinary personal computer to reproduce and compile the laws of the District of Columbia.

The laws of the District, however, are fluid, not stagnant, as they are amended several times each year. The quality and accuracy of publications not directed by the Council are beyond its control. The Council can only warrant the Code for which it has authorized publication. Therefore, in order to ensure that the residents of the District may distinguish between the compilation of District laws as produced under the direction of the elected officials of the District of Columbia and those of other persons, we have added the word "Official" to the title of the Code. Also to ensure that the Council never loses the right to publish its own laws, the government of the District of Columbia has retained the copyright to the District of Columbia Official Code.

The codified laws of the District of Columbia are created as a result of legislative action on the part of 13 individuals elected by the residents of the



District of Columbia to enact the laws that govern the District, and by the Congress. Once the legislative process is complete, the Council, through its delegation of authority to its Office of the General Counsel, codifies the laws in the form of this Code. In the process of codification, the Office of the General Counsel interprets any discrepancies in the drafting of the laws using commonly recognized rules of statutory construction. No other entity is authorized by law to make these determinations. As set forth by federal law and recognized by the Courts of the District of Columbia, this Code establishes *prima facie* evidence of the laws in force in the District of Columbia.<sup>1</sup> It is this continuity of authority, from enactment to codification to judicial review that gives this Code its authenticity and officiality as the content of the laws of the District of Columbia.

The 2001 Edition represents a recodification of the 1981 Edition in that it contains a reorganization of the presentation of the laws, inclusion of some previously omitted legal provisions, and the omission of non-substantive extraneous provisions. The theory behind the recodification is to purify the organization of the Code which over many decades has seen the haphazard mixing of original (“organic”) provisions of laws throughout the Code. In the 2001 Edition, we have established a system of codification that follows the legislative drafting principals established over many years in the Council’s Office of the General Counsel.

The recodification is not an overhaul of the Code. Although a cleanup of the antiquated, repealed and omitted provisions is long overdue, it is not the province of the Office of the General Counsel to determine which laws should be expunged as obsolete. Such decisions should be left to a working group commissioned by the Council to recommend revisions to the Code. The Office of the General Counsel has simply separated the organic laws into discrete divisions and topical categories. As much as is possible, we have followed a rule that requires that all organic law remain intact: closely following the layout of the originating act. We have retained notes to repealed sections to aid in legal research and preserved the numbering style that was first introduced in the Second Edition. Thanks to the resourcefulness of the publisher and the Council’s Office of the General Counsel staff, we have corrected provisions of law erroneously added to, or deleted from, prior editions.

The Code is organized into eight **Divisions** of practical law: government organization; judicial organization; decedent estates; criminal law; business law; education; property; and general laws. Each division is subdivided by subject matter called **Titles**, organic laws, called **Chapters** and **Subchapters**, and finally, individual **Sections** representing the individual sections of organic law. Occasionally, **Subtitles** are used to organize chapters of organic law, **Units** to organize subchapters, and **Parts** and **Subparts** to organize the additional divisions within the organic law. One important change that the user will notice, and hopefully appreciate, is that the District’s Charter, the Home Rule Act, is codified in its entirety in one location so that the

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1. See 1 U.S.C. § 204(b) (1994); *Sheetz v. District of Columbia*, 629 A.2d 515, 519 (D.C. 1993).

framework of the current District government can be readily found. We hope that the organization of the 2001 Edition of the District of Columbia Official Code will serve as a foundation for further refinement by future law revision commissions or their equivalent.

The 2001 Edition has been prepared under the supervision of Benjamin. F. Bryant, Jr., Codification Counsel, Office of the General Counsel, Council of the District of Columbia.

\_\_\_\_\_/s/\_\_\_\_\_

Linda W. Cropp

Chairman

Council of the District of Columbia

\_\_\_\_\_/s/\_\_\_\_\_

Charlotte Brookins-Hudson

General Counsel

Council of the District of Columbia



# User's Guide

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This guide is designed to help you get the most out of your District of Columbia Official Code. Information about key features of the Code and suggestions for its more effective use are given under the following headings:

- Amendment Notes
- Analyses
- Case Notes
- Cross References
- Court Rules
- Editor's Notes
- Historical Citations
- Index
- Law Reviews and Journals Commentaries
- Miscellaneous Annotations
- Pamphlets and Pocket Parts
- Replacement Volumes

If you have a question not addressed by the User's Guide, or comments about your Code service, please call us toll-free at (800) 833-9844, fax us at (800) 643-1280, email us at [customer.support@bender.com](mailto:customer.support@bender.com), or write to: D.C. Code Editor, LexisNexis, 701 E. Water St., Charlottesville, Virginia 22902-5389.

## AMENDMENT NOTES

Every time a Code provision is amended, a note is prepared describing the effect of the amendment. By reading the note, you can ascertain the impact of the change without having to check the former statute itself. Amendment notes have been supplied throughout the Code explaining legislative changes in the text, together with information concerning temporary and emergency acts, and legislative history. Notes are supplied by LexisNexis to assist in understanding and interpreting the language contained in the Code.

## ANALYSES

Each title and chapter appearing in a bound volume or supplement is preceded by an analysis, which is like a table of contents. The analysis details the scope of the title or chapter and enables you to see at a glance the content of the title or chapter without resorting to a page-by-page examination in the bound volume or supplement.

## CASE NOTES

The judicial constructions of cases analyzing or interpreting the District of Columbia Official Code, 2001 Edition, contained in its annotations have been reviewed by the Publisher's editorial staff. The editorial objective is to provide comprehensive, relevant, and authoritative annotations with minimal duplication to assist in understanding the application and purpose of the statutes as



determined by the courts. Cases are annotated under the Code provisions they construe. Each case note carries a citation showing the case on which the note is based. Where the point of the note was made by courts in more than one case, all cases making that point will be shown in the citation. All case citations are Shepardized for accuracy and continued relevance. Where a higher court reviews a cited case, the higher court's decision (or its effect upon the cited case) is noted in the citation.

The subject of each note is highlighted by a "catchline" in bold face type. One may presume that any note that does not have its own catchline or black-letter line deals with the same topic as the preceding note.

## CROSS REFERENCES

There is an obvious kinship of the various laws included in the volumes of the District of Columbia Official Code, 2001 Edition. To enable full research use of the interrelationship, time-saving cross references and section-to-section references to related or statutory provisions are provided by LexisNexis.

## COURT RULES

Two softcover District of Columbia Rules volumes are also offered to the practitioners in the District of Columbia as a separate subscription. These volumes, copyrighted by LexisNexis, are replaced annually and supplemented about six months after publication. They contain the rules of practice and procedure followed by the courts of the District of Columbia. The State rules are annotated and all rules are indexed. Rules are edited only for internal consistency and correct spelling.

## EDITOR'S NOTES

Editor's notes contain information about important or unusual features of a law that are not apparent from the law's text or special circumstances surrounding passage of the law.

## HISTORICAL CITATIONS

Historical citations appear in parentheses immediately following every Code section. The citation lists enacting and amendatory acts that affected the section. Historical citations provide an excellent source for legislative history information. Statutory text is followed by a chronological listing of session laws that have enacted and amended the section. In addition, the prior codification notes contain the citations to where the section was classified under the 1973 and 1981 Editions of the District of Columbia Code.

## INDEX

The Code is completely indexed in an Index volume, which is updated and replaced annually. The comprehensive alphabetical descriptive-word index provides multiple, detailed references to the District of Columbia Official Code, 2001 Edition. The general index is a topical index, not a random word index.



Random entries in an index to statutes are misleading since they result in split or partial treatment. Therefore, LexisNexis has chosen to use a systematic arrangement of main topical headings in order to avoid this split treatment. Main headings in the general index treat subject matter exhaustively, unless cross references are made to other main headings. Main headings were derived from the language of the District of Columbia Official Code, 2001 Edition, from phraseology commonly used in the courts of the District and from terminology commonly used in the legal profession. In addition, an effort was made to employ phrases and terms commonly applied to District of Columbia Code sections, such as frequently used nonlegal terms.

## LAW REVIEWS AND JOURNAL COMMENTARIES

Informative articles and discussions in Law Reviews and Journals are brought to the attention of the user through brief commentaries. Referenced publications include:

- American University Law Review
- Catholic University Law Review
- George Washington Law Review
- Georgetown Law Journal
- Howard Law Journal
- The University of the District of Columbia Law Review

## MISCELLANEOUS ANNOTATIONS

Apart from notes described elsewhere in the User's Guide, many notes are used in the Code to explain important or unusual information relevant to particular provisions. For the most part these notes have headings that instantly make clear their importance. Among the more common notes are those explaining the revision of subtitle, effective dates, or short titles.

The official comments related to Uniform Laws in this Code are copyrighted by the National Conference of Commissioners of Uniform State Laws and the American Law Institute, and are reproduced by LexisNexis by permission.

## PAMPHLETS AND POCKET-PARTS

The District of Columbia Official Code, 2001 Edition, will be kept up to date by a supplementary system of pamphlets and cumulative pocket part supplements that slip into the back of your bound volumes. This system assures the fastest possible availability of new laws and judicial constructions. In addition, to keeping your print set up to date through regular print supplementation, you also have access to the online Official Code at [www.lexisnexis.com](http://www.lexisnexis.com), and the periodic replacement of volumes.

## REPLACEMENT VOLUMES

The Code is periodically updated and streamlined by the replacement of volumes. Although a current set of the Code contains all currently applicable statutes, we encourage you to retain replaced volumes and their supplement pocket parts for historical reference.



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# TITLES OF DISTRICT OF COLUMBIA CODE 2001 EDITION

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Asterisk (\*) denotes that Title has been enacted as law

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## DIVISION I. GOVERNMENT OF DISTRICT.

### TITLE 1. — GOVERNMENT ORGANIZATION.

- |         |  |
|---------|--|
| Chapter | 1. District of Columbia Government Development.                                      |
|         | 2. District of Columbia Home Rule.   |
|         | 3. Specified Governmental Authority.   |
|         | 4. Delegate to the House of Representatives.   |
|         | 5. Officers and Employees Generally.   |
|         | 6. Merit Personnel System.   |
|         | 7. District of Columbia Employees Retirement Program Management.                     |
|         | 8. District of Columbia Retirement Funds.  |
|         | 9. Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan. |
|         | 10. Elections.   |
|         | 11. Election Campaigns; Lobbying; Conflict of Interest [Repealed].                   |
|         | 11A. Government Ethics and Accountability.   |
|         | 11B. Prohibition on Government Employee Engagement in Political Activity.            |
|         | 12. Notaries Public.   |
|         | 13. Surveyor.  |
|         | 14. Office of the Chief Technology Officer.  |
|         | 15. Reorganization of the District Since the Establishment of Home Rule.             |

### TITLE 2. — GOVERNMENT ADMINISTRATION.

- |         |  |
|---------|--|
| Chapter | 1. Inspections.  |
|         | 2. Contracts.  |
|         | 3. Procurement. N XIIH ELECTRONIC COMMERCE; ACQUISITION AND DISPOSITION. |
|         | 3A. Government Procurement.  |
|         | 3B. Other Procurement Matters.   |
|         | 4. Claims Against District.  |
|         | 5. Administrative Procedure.   |
|         | 6. Codification and Publication of Acts, Resolutions, Rules, and Orders. |
|         | 7. Official Correspondence.  |
|         | 8. Presidential Inaugural Ceremonies.                                    |



- Chapter     9. Submission of State Energy Plans. [Transferred].  
               10. National Capital Planning Commission.  
               11. Washington Metropolitan Region Development.  
 11A. Chesapeake Regional Olympic Games Authority.  
               12. Business and Economic Development.  
               13. Latino Community.  
 13A. Office on Asian and Pacific Islander Affairs.  
 13B. Office of Gay, Lesbian, Bisexual, and Transgender Affairs.  
 13C. Office and Commission on African Affairs.  
               14. Human Rights.  
               15. Youth Affairs.  
               16. Public Defender Service.  
               17. Public Records Management.  
               18. Administrative Review of Civil Infractions.  
 18A. Office of Administrative Hearings.  
               19. Government Language Accessibility.

### **TITLE 3. — DISTRICT OF COLUMBIA BOARDS AND COMMISSIONS.**

#### **SUBTITLE I. — GENERAL.**

- Chapter     1. Advisory Commission on Sentencing.  
               2. Anatomical Board.  
               3. Armory Board.  
               4. Board of Funeral Directors.  
               5. Board of Veterinary Examiners.  
               6. Boxing and Wrestling Commission.  
 6A. Commission on Poverty.  
 6B. Commission on Fashion Arts and Events.  
               7. Commission for Women.  
               8. Council on Law Enforcement.  
               9. Criminal Justice Supervisory Board.  
               10. Environmental Planning Commission.  
               11. Fire Protection Study Commission.  
               12. Health Occupations Boards.  
 12A. Nurse's Rehabilitation Program.  
               13. Lottery and Charitable Games Control Board.  
 13A. Motor Vehicle Theft Prevention Commission.  
               14. Sports and Entertainment Commission [Repealed].  
 14A. District of Columbia Uniform Law Commission.  
 14B. Commission on African-American Affairs.

#### **SUBTITLE II. — REPEALED AND EXPIRED PROVISIONS.**

15. Accountants [Repealed].  
               16. Architects [Repealed].  
               17. Barbers [Repealed].  
               18. Barbers and Cosmetologists [Repealed].  
               19. Bicentennial Commission [Repealed].  
               20. Cosmetologists [Repealed].  
               21. Dentistry [Repealed].  
               22. Interior Design Licensure [Repealed].

- Chapter 23. Nurses, Therapists, and Psychologists [Repealed].  
 24. Optometrists [Repealed].  
 25. Plumbers [Repealed].  
 26. Podiatry [Repealed].  
 27. Steam and Other Operating Engineers [Repealed].  
 28. Task Force on Hunger [Repealed].  
 29. Healing Arts Practice [Repealed].  
 30. Alzheimer's Disease Study Commission [Expired].  
 31. Business Regulatory Reform Commission [Expired].  
 32. Commission on Baseball [Expired].  
 33. Domestic Partnership Benefits [Expired].  
 34. Commission on Housing Production [Expired].  
 35. Commission for Men [Expired].  
 36. Security Agents and Brokers [Repealed].  
 37. Investment Advisers [Repealed].

#### **TITLE 4. — PUBLIC CARE SYSTEMS.**

- Chapter 1. Public Welfare Supervision.  
 2. Public Assistance.  
 2A. Grandparent Caregivers Pilot Program.  
 2B. Food Stamp Expansion.  
 3. Adoption Programs.  
 4. Day Care.  
 5. Compensation of Victims of Violent Crime.  
 6. Health-Care Assistance Reimbursement.  
 6A. Healthy DC Program.  
 7. Right to Overnight Shelter. [Repealed].  
 7A. Services for Homeless Individuals and Families.  
 8. Medicaid Provider Fraud Prevention.  
 9. Employees' Child Care Facilities.  
 10. Burial Assistance Program.  
 11. D.C. General Hospital Hospice Program.  
 12. Emergency Assistance Program [Repealed].  
 13. Child Abuse and Neglect.  
 14. Placement of Children in Family Homes.  
 14A. Newborn Safe Haven.  
 15. Criminal Background Checks for Government Services to Children.  
 16. Access to Justice Initiative [Repealed].  
 17. Access to Justice Initiative Program.

#### **TITLE 5. — POLICE, FIREFIGHTERS, MEDICAL EXAMINER, AND FORENSIC SCIENCES.**

- Chapter 1. Metropolitan Police.  
 2. United States Park Police.  
 3. Federal Law Enforcement Officer Cooperation With Metropolitan Police Department.  
 3A. First Amendment Rights and Police Standards.  
 4. Fire and Emergency Medical Services Department.

- Chapter 5. Salaries.
- 6. Police and Firefighters Medical Care Recovery.
- 6A. Police and Firefighters Limited Duty.
- 7. Police and Firefighters Retirement and Disability.
- 8. Police Retirement While Under Disciplinary Investigation.
- 9. Awards for Meritorious Service.
- 10. Trial Boards.
- 10A. Police and Firefighters Disciplinary Action Procedures.
- 11. Review of Citizen Complaints Involving Police.
- 12. Registration of State Officials Entering District.
- 13. Miscellaneous Provisions.
- 14. Chief Medical Examiner.
- 15. Department of Forensic Sciences.

## **TITLE 6. — HOUSING AND BUILDING RESTRICTIONS AND REGULATIONS.**

- Chapter 1. National Capital Housing Authority.
- 2. District of Columbia Housing Authority.
- 3. Housing Redevelopment.
- 4. Building Lines.
- 5. Flood Hazards.
- 6. Zoning and Height of Buildings.
- 7. Fire Safety.
- 8. Unsafe Structures.
- 9. Insanitary Buildings.
- 10. Community Development.
- 11. Historic Landmark and Historic District Protection.
- 12. Preservation of Historic Places and Areas in the Georgetown Area.
- 13. Regulation of Foreign Missions.
- 14. Construction Codes.
- 14A. Green Building Requirements.
- 15. Economic Development Zone Incentives.

## **TITLE 7. — HUMAN HEALTH CARE AND SAFETY.**

### **SUBTITLE A. — GENERAL.**

- Chapter 1. Public Health.
- 2. Vital Records.
- 2A. Data Sharing.
- 3. Reports of Cancer and Malignant Neoplastic Diseases.
- 4. Limitation on Liability for Medical Care or Assistance in Emergency Situations.
- 5. Programs for Older Citizens.
- 6. Death.
- 6A. Non-Resuscitation Procedures for Emergency Medical Services.
- 7. Long-Term Care Ombudsman Program.
- 7A. Functions of the Department of Health.

- Chapter 7B. Health Professional Recruitment Program.
- 7C. Department on Disability Services.
- 7D. Department of Health Care Finance.
- SUBTITLE B. — CHILD AND INFANT SCREENING; EARLY INTERVENTION.
  - 8. Prevention of Blindness in Infants.
  - 8A. Newborn Screening.
  - 8B. Newborn Hearing Screening.
  - 8C. Early Intervention for Children.
  - 8D. Childhood Lead Poisoning Screening and Reporting.
  - 8E. Uniform Child Health Screening Requirements.
- SUBTITLE B-I. — BLIND AND PHYSICALLY DISABLED PERSONS.
  - 9. Register of Blind Persons.
  - 10. Rights of Blind and Physically Disabled Persons.
- SUBTITLE C. — MENTAL HEALTH.
  - 11. Interstate Compact on Mental Health.
  - 11A. Department of Mental Health Establishment.
  - 11B. Department of Mental Health Funding Allocation.
  - 12. Mental Health Information.
  - 12A. Mental Health Consumers' Rights Protection.
- SUBTITLE D. — CITIZENS WITH INTELLECTUAL DISABILITIES.
  - 13. Citizens with Intellectual Disabilities.
- SUBTITLE E. — HEALTH CARE SAFETY NET.
  - 14. Health Care Safety Net Administration.
- SUBTITLE F. — ANATOMICAL PARTS.
  - 15. Anatomical Parts.
- SUBTITLE G. — AIDS HEALTH CARE.
  - 16. AIDS Health Care.
- SUBTITLE G-I. — VACCINATIONS AND IMMUNIZATIONS.
  - 16A. Human Papillomavirus Vaccination.
- SUBTITLE G-II. — USE OF MARIJUANA FOR MEDICAL TREATMENT.
  - 16B. Use of Marijuana for Medical Treatment.
- SUBTITLE H. — TOBACCO SMOKING, SALES, DISTRIBUTION, REGULATION, AND SETTLEMENT.
  - 17. Restrictions on Tobacco Smoking.
  - 18. Tobacco Master Settlement Agreement.
- SUBTITLE I. — PROTECTION AND CARE SYSTEMS.
  - 19. Adult Protective Services.
  - 19A. Community Health Care Financing Fund.
  - 20. Child Care Services and Facilities.
  - 20A. Health Care Ombudsman Program.
  - 21. Youth Residential Facilities Licensures.
  - 21A. Victims of Sexual Assault Emergency Care.
- SUBTITLE J. — PUBLIC SAFETY.
  - 22. Homeland Security.
  - 23. Public Emergencies.
  - 23A. Emergency Management Assistance Compact.
  - 23B. Emergency Medical Services.



Chapter 23C. Uniform Emergency Volunteer Health Practitioners.

24. Nuclear Weapons Freeze.

25. Firearms Control.

26. Reporting of Injuries Caused by Firearms or Other Dangerous Weapons.

27. Health Regulations for Federal Government Restaurants.

28. Security and Fire Alarm Systems Regulations.

28A. Safe Needle Distribution.

28B. Youth Athletic Concussion Protection.

SUBTITLE K. — HEALTH CARE SYSTEM DEVELOPMENT COMMISSION.

29. Health Care System Development Commission.

SUBTITLE L. — SUBSTANCE ABUSE.

30. Choice in Drug Treatment.

31. Substance Abuse Program for Youth.

**TITLE 8. — ENVIRONMENTAL AND ANIMAL CONTROL AND PROTECTION.**

SUBTITLE A. — ENVIRONMENTAL CONTROL AND PROTECTION.

Chapter 1. Environmental Controls.

1A. District Department of the Environment.

1B. District of Columbia Office of Energy.

2. Drainage of Lots.

2A. Lead-Hazard Prevention and Elimination.

3. Weeds and Plant Diseases.

4. Pesticide Operations.

5. Manufacture, Renovation, and Sale of Mattresses.

6. Privies.

6A. Brownfield Revitalization.

6B. Urban Forest Preservation.

6C. Uniform Environmental Covenants.

SUBTITLE B. — WASTE DISPOSAL AND MANAGEMENT.

7. Garbage.

7A. Trash Collection Noise Violation Abatement.

8. Litter Control Administration.

9. Illegal Dumping Enforcement.

10. Solid Waste Management and Multi-Material Recycling.

11. Multi-Material Recycling Systems.

SUBTITLE C. — HAZARDOUS WASTE AND MATERIALS DISPOSAL AND MANAGEMENT.

12. Hazardous Materials Study Commission [Repealed].

13. Hazardous Waste Management.

14. Hazardous Materials Transportation.

15. Low-Level Radioactive Waste Generator Regulatory Policy.

SUBTITLE D. — SOIL AND WASTE CONSERVATION.

16. Potomac River Basin Compact.

17. Soil and Water Conservation.

SUBTITLE D-I. — ENERGY CONSERVATION.

17M. Energy Efficiency Standards.



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- Chapter 8. Sale of Public Lands.
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- 10A. Master Facility Planning and Program Coordination Advisory Committee.
- SUBTITLE III. — USE OF PUBLIC SPACE.
- 11. Rental and Utilization of Public Space.
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- 12. Washington Convention Center Authority.
- 13. John A. Wilson Building.
- 14. National Children's Island.
- 15. Reservation 13.
- 16. Ballpark Development.
- 17. Wilson Building and Baseball Stadium Message Boards.
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- Chapter 1. General Provisions.
- 3. United States Court of Appeals for the District of Columbia Circuit.
- 5. United States District Court for the District of Columbia.
- 7. District of Columbia Court of Appeals.
- 9. Superior Court of the District of Columbia.
- 11. Family Court of the Superior Court.
- 12. Tax Division of the Superior Court.
- 13. Small Claims and Conciliation Branch of the Superior Court.
- 15. Judges of the District of Columbia Courts.
- 17. Administration of District of Columbia Courts.
- 19. Juries and Jurors.
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- 23. Medical Examiner.
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               9. Divorce, Annulment, Separation, Support, Etc.  
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               25. Change of Name.  
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- Chapter 43. Arbitration [Repealed].  
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 49. Authorization for Medical Consent for a Minor by an Adult Caregiver.  
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- Chapter    7. Administration of the Estate.  
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              9. Persons with Mental Illness Found in Certain Federal Reservations.  
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              15. Conservators [Repealed].  
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              6. Breaking into Devices Designed to Receive Currency.  
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	19A. Reports of Crime and Requests for Assistance.
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	33. Trespass; Injuries to Property.
	34. Use of "District of Columbia" by Certain Persons.
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|         | 3. Indictments and Informations.                                   |
|         | 5. Warrants and Arrests.   |
|         | 7. Extradition and Fugitives from Justice.                         |
|         | 9. Fresh Pursuit.  |
|         | 11. Professional Bondsmen.   |
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|         | 15. Out-of-State Witnesses.  |
|         | 17. Death Penalty [Repealed].                                      |
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**TITLE 24. — PRISONERS AND THEIR TREATMENT.**

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|         | 2. Prisons and Prisoners.  |
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|         | 5A. Evaluation and Treatment of Incompetent Defendants.          |
|         | 6. Rehabilitation of Alcoholics.                                 |
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|         | 7A. Treatment Instead of Jail for Certain Non-Violent Offenders. |
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 4. Application and Review Processes.  
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### **TITLE 26. — BANKS AND OTHER FINANCIAL INSTITUTIONS.**

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 5. Credit Unions.  
 5A. Data Match Requirements for Financial Institution.  
 5B. Administration of the Banking Code.  
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 8. Joint Accounts; Adverse Claimants; Trust Accounts.  
 8A. Merchant Banks.  
 9. Money Lenders; Licenses.  
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 12. Savings and Loan Acquisition.  
 13. Trust, Loan, Mortgage, Safe Deposit and Title Corporations.  
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### **TITLE 27. — CIVIL RECOVERY BY MERCHANTS FOR CRIMINAL CONDUCT.**

- Chapter 1. Merchant's Civil Recovery for Criminal Conduct.

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- 21. Assignment for Benefit of Creditors.
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- 29. Fiduciary Security Transfers.
- 31. Fraudulent Conveyances.
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- 33. Interest and Usury.
- 35. Statute of Frauds.
- 36. Direct Motor Vehicle Installment Loans.
- 37. Revolving Credit Accounts.
- 38. Consumer Protections.
- 39. Consumer Protection Procedures.
- 40. Hearing Aid Dealers and Consumers.
- 40A. Assistive Technology Device Warranty.
- 41. Natural Disaster Consumer Protection.
- 42. Radon Contractor Proficiency.
- 45. Restraints of Trade.
- 45A. Cigarette Sales Below Cost.
- 45B. Excessive Pricing.
- 46. Consumer Credit Service Organizations.
- 47. Uniform Prudent Investor Act [Repealed].
- 48. Principal and Income; Uniform Law.
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**TITLE 29. — CORPORATIONS [REPEALED].**

- Chapter    1. Business Corporations (1954) [Repealed].  
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             9. Cooperative Associations [Repealed].  
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                [Repealed].  
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**TITLE 30. — HOTELS AND LODGING HOUSES.**

- Chapter    1. Rights and Liabilities.

**TITLE 31. — INSURANCE AND SECURITIES.****SUBTITLE I. — GOVERNMENT AGENCIES.**

- Chapter    1. Department of Insurance, Securities, and Banking.  
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             4. Business Transacted with Producer Controlled Insurer.  
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             7. Holding Companies.  
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            8A. Insurance Compliance Self-Evaluation Privilege.  
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- Chapter 11. Insurance Premium Finance Companies.
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  - 13. Insurers Rehabilitation and Liquidation Procedures.
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  - 14. Law on Examinations.
  - 15. Managing General Agents.
  - 16. Prohibition of Discrimination in the Provision of Insurance on Basis of AIDS Test.
  - 16A. Public Insurance Adjuster Licensure.
  - 17. Redomestication.
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  - 19. Required Annual Financial Statements and Participation in the NAIC Insurance Regulatory Information System.
  - 20. Risk-Based Capital.
  - 21. Standards to Identify Insurance Companies Deemed to Be in Hazardous Financial Condition.
  - 22. State of Entry for Non-U.S. Insurers.
  - 22A. Unfair Insurance Trade Practices.
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  - 24. Compulsory/No-Fault Motor Vehicle Insurance.
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  - 28. Access to Emergency Medical Services.
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  - 30. Diabetes Health Insurance Coverage.
  - 30A. Discontinuance of Class of Health Insurance Policies.
  - 31. Drug Abuse, Alcohol Abuse, and Mental Illness Insurance Coverage.
  - 31A. Health Benefit Plans Prompt Payment.
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- 35. Hospital and Medical Services Corporations Regulation.
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- 38A. Women's Rights Regarding Certain Health Insurance.
- 38B. Health Organizations RBC.
- SUBTITLE V. — LIABILITY AND RELATED INSURANCE.
  - 39. Captive Insurance Companies (2000) [Repealed].
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  - 40. Liability Coverage for Child Development Homes.
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  - 42. Definitions.
  - 43. Department of Insurance, Securities and Banking with Respect to Life Companies.
  - 44. Domestic Life Companies.
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  - 46. Life Insurance; Penalties; Testimony; Separability.
  - 47. Provisions Relating to All Life Insurance Companies.
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- SUBTITLE X. — SECURITIES.
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  - 57. Fraternal Benefit Associations.
  - 58. Holding Company System [Repealed].
  - 59. Insurance Agents Other Than Life [Repealed].
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- 5A. Freedom to Contract within the Broadcast Industry.
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7. Health Care Benefits Expansion.
- 7A. Health Care Benefits Continuation.
- 7B. Job Opportunity Bank.
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- 8A. Labor Peace Agreements for Hotel Development Projects.
9. Lie Detectors.
10. Minimum Wages.
11. Occupational Safety and Health.
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13. Payment and Collection of Wages.
- 13A. Transitional Employment and Pre-Apprenticeship Programs.
- 13B. Hiring of Ex-Offenders.
- 13C. Prohibition on Discrimination against the Unemployed.
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**SUBTITLE I. — GENERAL PROVISIONS.**

- Chapter 1. Uniform Partnership Act (1996). [Répealed].
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**SUBTITLE II. — REPEALED PROVISIONS.**

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# HISTORY OF THE D.C. CODE

## REPRINTED FROM 1929 EDITION OF THE CODE

All of the many previous efforts to compile the laws relating to the District of Columbia were balked by the difficulty of determining and setting forth the laws of Great Britain and the early laws of the State of Maryland still in force in the District by virtue of the Acts of February 27, 1801, and March 3, 1801 (2 Stat. L. 103, ch. 15, § 2, and 31 Stat. L. 1189, respectively). Yet these laws, access to which is through a labyrinth of toil and uncertainty, have been found pertinent by the courts of the District on no less than 127 reported occasions. The task was further complicated by the fact that much of the legislation affecting the District of Columbia was buried in appropriation acts. A summary of the situation was made by an eminent member of the District Bar, Mr. James S. Easby-Smith, before the Committee at a hearing on July 12, 1926. An excerpt from his statement is quoted:

"The District of Columbia was created and became a federal district in the year 1800 (1 Stat. L. 130 and 2 Stat. L. 103). The District of Columbia, as created by the 1st Congress, was composed of a portion of Virginia and a portion of Maryland, the same being 10 miles square. That portion of the District of Columbia which was ceded by the State of Maryland was known as the County of Washington, District of Columbia; that portion which was ceded by the State of Virginia was known as the County of Alexandria, District of Columbia. At first there was a city organized and laid out called the City of Washington, while the remaining portion of that part of Maryland which had been ceded was called the County of Washington. That portion included the city also.

Now, the organic act (2 Stat. L. 103), provided that the laws governing that portion of the District of Columbia ceded by Virginia should be the Virginia statutes not locally inapplicable, the acts of Congress, and the acts of the Virginia Legislature. That applied in and for the County of Alexandria, and the organic act provided that the laws in force in the County of Washington, District of Columbia, which was that portion taken from Maryland, were, first, the principles and maxims of equity as they existed in England, and in the colonies in the year 1776, the common law of England, and the statutes of the British Parliament which were in effect in the colonies in 1776, and which were not locally inapplicable. I think that the last British statute which is applicable to the District of Columbia was passed about 1771. I think that there were no statutes which were locally applicable after that year.

Therefore,

First, we have the maxims and principles of equity as developed in the court of chancery.

Second, the common law as it existed in 1776.

Third, the British statutes in effect in 1776.

Fourth, all the laws of the legislature, not only of the State of Maryland, from 1776 to 1800, but the laws of the colonial Maryland government up to the year 1800, together with such acts of Congress as had been passed, or might

thereafter be passed, for the District of Columbia, or that were applicable to the District of Columbia.

We have that great body of law here. In other words, in the State of Virginia and the State of Maryland, the State courts administer the state laws, while the federal courts administer the federal laws, but all of those laws are embraced in the jurisdiction of the courts here....

Alexandria County Having Been Re-Ceded to Virginia, that Feature of the Complication No Longer Exists."

An outline of previous compilations and their scope is as follows:

1. Code of Laws for the District of Columbia, prepared under the authority of the Act of Congress of April 29, 1816. Preface signed by W. Cranch, November 19, 1818. Washington, 1819, 575 pages.

This code was obviously designed for enactment by Congress, but no official action was taken with respect to it. It is drawn from old British statutes and acts of Maryland and Virginia, as well as from acts of Congress relating to the District of Columbia; it apparently includes all subjects of legislation except provisions relating to the municipal government of Washington, etc.

2. The Acts of Congress, in relation to the District of Columbia, 1790-1831, and of the Legislatures of Virginia and Maryland, passed especially in regard to that District. By William A. Davis. Washington City, 1831, 575 pages.

This is merely an unofficial compilation of separate acts, with no attempt at arrangement by subject.

3. The Revised Code of the District of Columbia, prepared under the authority of the Act of Congress approved March 3, 1855. Preface signed by Robt. Ould and Wm. B. B. Cross, November, 1857. Washington, 1857, 699 pages.

The Act of March 3, 1855 (10 Stat. 642-643), provided for a vote by the people of the District of Columbia as to the adoption of the code as published. The vote was adverse, according to Wilhelmus Bogart Bryan, in his History of the National Capital.

4. An Analytical Digest of the Laws of the District of Columbia. By M. Thompson. Washington City, 1863, 454 pages.

This digest is entirely unofficial. It aims to give all the law in force, with a few annotations. It is not clear whether the laws have been copied verbatim, or the substance given in other words. Provisions relating to municipal government of Washington, etc., are not included.

5. Compilation of the Laws in Force in the District of Columbia, April 1, 1868. Washington, Government Printing Office, 1868, 494 pages.

This compilation contains no preface or explanation of its scope. It gives the text of the laws, arranged by subjects. Provisions relating to the municipal government of Washington, etc., are not at all completely included.

6. Statutes in Force in the District of Columbia. Washington, 1872, 639 pages, House Miscellaneous Document No. 25 — 42nd Congress, 3rd Session.

This compilation was prepared under the direction of the Legislative Assembly of the District of Columbia. While purporting to be a compilation

only, it includes many innovations. It was transmitted by the Governor of the District of Columbia to the House of Representatives, but was never adopted.

7. Revised Statutes of the United States relating to the District of Columbia. Washington, 1875, 201 pages.

This revision was enacted by Congress and approved June 22, 1874. It covers all subjects of federal legislation relating to the District, except local (i. e., portions of the District only) and private matters.

8. The Compiled Statutes in Force in the District of Columbia, including the Acts of 1887-'89. Compiled by William Stone Abert and Benjamin G. Lovejoy. Washington, Government Printing Office, 1894, 730 pages.

This compilation, prepared pursuant to the Act of March 2, 1889 (25 Stat. 872, ch. 392), includes acts of Congress, of Maryland, of Great Britain, and of the District of Columbia Legislative Assembly, with a few annotations. It covers all subjects of legislation except local and private matters. This compilation is wholly unofficial, in that the completed work never received legislative sanction.

9. The District of Columbia Code, approved March 3, 1901 (31 Stat. 1189-1436).

This code does not include provisions relating to the government of the District and contains British statutes and Maryland acts by reference only. It repeals all prior legislation, with numerous exceptions.

10. The Code of Law for the District of Columbia. Indexed under the direction of the Senate Committee on the District of Columbia by Edwin C. Brandenburg. Washington, 1901, 334 pages.

Merely the text of the Act of March 3, 1901, with an index.

11. Code of Laws enacted March, 1901; amended and approved January and June, 1902. Compiled by Charles Moore. Indexed by Edwin C. Brandenburg. Washington, 1902, 386 pages. (Unofficial.)

12. The Code of Law for the District of Columbia, enacted March 3, 1901; amended to and including March 3, 1905. Compiled by Charles Moore. Indexed by Edwin C. Brandenburg. Recompiled and indexed to March 3, 1905 by Daniel E. Garges. Washington, 1906, 394 pages. (Unofficial.)

13. The Code of Law for the District of Columbia, enacted March 3, 1901; amended to and including June 9, 1910. Annotated and indexed by Richard A. Ford. Washington, 1910, 448 pages. (Unofficial.)

Appendix contains acts relating to the District not expressed as amendments of the code.

14. The Code of Law for the District of Columbia, enacted March 3, 1901; amended to and including March 4, 1911. Recompiled by William F. Meyers. Washington, 1911, 544 pages. (Unofficial.)

15. The Code of Law for the District of Columbia, enacted March 3, 1901; amended to and including March 4, 1919. Edited by Wm. S. Torbert. Washington, 1919, 545 pages. (Unofficial.)

16. District of Columbia Code, as amended up to and including June 7, 1924. Washington, 1925, 711 pages. Senate Document 155 — 68th Congress.

This code was prepared under the direction of the Committee on Printing of the Senate. The appendix contains many acts applicable to the District of Columbia not expressed as amendments to the code.



On December 5, 1898, Mr. Justice Walter S. Cox, of the Supreme Court of the District of Columbia, delivered an address before the Columbia Historical Society relative to the various efforts that had been made to obtain a code of laws for the District of Columbia, from which the following excerpts are taken:

"I have been requested to give some account of the efforts made in or out of Congress to procure and establish a code of laws for the District of Columbia.

That part of what was designated in some of the old statutes as the Territory of Columbia, lying in the State of Maryland, and that part lying within Virginia, having been respectively ceded by those States to the United States, Congress commenced its legislation, in relation to the District, by an Act of February 27, 1801, which provided, first, that the laws of Virginia, "as they now exist," shall be and continue in force in that part of the District of Columbia which was ceded by said State to the United States and by them accepted for the permanent seat of government; and that the laws of the State of Maryland, "as they now exist," shall be and continue in force in that part of the District which was ceded by that State to the United States and accepted as aforesaid, and that said District shall be divided into 2 counties; 1 county shall contain all that part which lies on the east side of the River Potomac and shall be called the County of Washington; the other county shall contain all that part of the District which lies on the west side of the said River and shall be called the County of Alexandria.

At the same time the act created a court, to be called the Circuit Court of the District of Columbia, which was to hold several sessions annually in each of the 2 counties. It also created an orphans court for each county.

Thus the anomalous condition was presented of 2 contiguous counties, under the same legislative jurisdiction, governed by different systems of statutory law, to be administered by the same court.

One would naturally expect that Congress would speedily take steps to remedy this state of affairs and enact a uniform system of law for the entire District. But such was not the case. On the contrary, what little legislation took place for years afterward only recognized and perpetuated the distinction between the counties, by sporadic measures affecting them separately.

For some 16 years following, the laws passed by Congress affecting the District related principally to the charters of Washington, Georgetown, and Alexandria, to the militia, to insolvent debtors, and to the incorporation of banks, improvement companies, and other private organizations, and very little to the improvement of judicial proceedings....

On April 29, 1816, an act was passed authorizing the judges of the Circuit Court and the District Attorney to prepare a code of laws for the District. The judges at that time were Judges Cranch, Morsell, and Thurston.... The District Attorney at the time was Walker Jones.

In November, 1818, Judge Cranch reported to Congress a code prepared by himself, and stated that the other gentlemen named in the act of Congress, in consequence of their engagements, had not been able to assist him.

In this code he grouped together, apparently without any system, the different statutes of Virginia and Maryland and the English statutes supposed to have been in force in Maryland, which he supposed, would be properly



applicable to the whole District, with all their antiquated phraseology and long-since obsolete remedial provisions, giving marginal references indicating to which class each statute belonged. The statutes are given as separate laws, each with a separate enacting clause. Occasionally appears one which seems to be original and must have been devised by Judge Cranch himself, but these are few and unimportant. There was no attempt by him to introduce any material changes in judicial proceedings and remedies; and, in fact, the spirit of reform and improvement in this direction can hardly be said to have been aroused, at this early period in our history, in the country generally. This code, therefore, if it had been adopted, would have advanced us very little. It was, however, not acted upon by Congress, and the whole subject was allowed to sleep for some 12 years, when a committee of the House of Representatives, who had been directed to inquire into the expediency of providing for the appointment of commissioners to digest and form a code of civil and criminal law for the District, etc., made a report.

They had addressed a circular, with a number of questions, to sundry citizens and members of the bar, and returned with their report the answers of the persons so addressed. Among these were Judge Cranch, Messrs. Richard S. Coke, Joseph H. Bradley, Francis Key, long the District Attorney in General Jackson's time, and the well-known author of the Star-Spangled Banner, and James Dunlop, afterwards Chief Justice of the Circuit Court until its abolition.

The committee went into the history of the cession of the District to the United States and expresses regret that it ever was withdrawn from the legislative jurisdiction of the states. They dwell on the fact that even at that date Congress had not made many essential changes in the general laws of the District nor in their administration; that the laws then in force had been accumulating for generations, many of the sanctions of which were only suited for barbarous ages, which they illustrated by reference to the criminal statutes of Maryland prescribing capital punishment for a dozen offenses, such as arson, breaking into a shop and stealing 5 shillings' worth of goods, stealing a boat, or the case of a negro burning tobacco or stealing a horse, etc. They dwell on the complicated character of the business of the Circuit Court, causing interminable delays in the administration of justice, the great abuses in the practice of justices of the peace, the absence of laws to restrain gaming, the sale of ardent spirits, and various other evils unnecessary to mention. They discuss the question whether the District can be retroceded to the States of Virginia and Maryland and whether a local legislature can be established, but conclude that the best remedy which they can recommend is the appointment of capable and efficient commissioners authorized to prepare and report to Congress such a code of laws as will be best suited to the wants, habits, and feelings of the people, and which shall make little innovation upon the common and statute law and be rather a revision than a new code. They also suggest the propriety of allowing the District to be represented by a delegate in the House of Representatives, in the same manner as the territories.

In pursuance of this report a joint committee of the 2 Houses was appointed to prepare and report a system of law, civil and criminal, for the District, and this committee did report such a system at the 1st Session of the 22nd Congress, in February, 1832.

In this report they say they are satisfied from their inquiries and from previous documents that the inhabitants of the District cherish an affection for the great body of the law under which they have lived and deprecate any attempt to form an entire new system — which is not a mere prejudice, but an inclination founded in nature and reason. The report of the committee on the District which led to their appointment, they say, recommended that there should be as little innovation upon the common and statute law of the District as might be consistent with a complete, simple, and uniform system, and the like principle seems in a great degree to have directed the previous compilation prepared by the Chief Justice of the District under the order of Congress. Looking to these sources for a sound exposition of their duty and authority, they say that they have followed the leading principles of the common law, have embodied as much of the laws of Virginia and Maryland as could be blended and harmonized, selecting the best where they could not be united, adding such improvements as either State had made since the cession, and rendering the whole consistent, uniform, and adapted to the entire District; and correcting the vices, as far as possible, of the existing legislation, and deriving aid from the code heretofore prepared by Judge Cranch and the criminal code proposed to Congress by Mr. Edward Livingston.

The proposed code puts into statutory shape the common-law rules of practice which then prevailed in the 2 States and the ordinary rules of practice in equity causes and introduced a few changes, in the way of improvement, in the laws regulating private rights; but a considerable part of it is taken up with matters now obsolete, such as holding to bail and imprisonment for debt, a very elaborate and unwieldy judicial organization, regulations respecting slaves and free negroes, etc. A remarkable feature of it is, first, that it contains no law of descent, and, next, that out of 685 pages, 385 — largely more than one half — are taken up with a penal code, code of criminal procedure, and code of prison discipline, which seem to have been taken from the work of Edward Livingston, before referred to. His introduction to said work is printed with the report of the committee.

...It is very detailed and minute, and abounds in forms of indictment for every conceivable offense. When proposed for the United States generally, it does not seem to have received favorable consideration, and when thus embodied in a code for the District it met with as little favor, for there seems to have been no congressional action at all upon the report of this committee.

I think there was a good deal of truth in the view taken by the committee as to the sentiments of the people of the District and their preference for the legal system to which they had been accustomed and their indisposition to welcome any great novelties, of which, I think, a proof was furnished somewhat later on. The committee were therefore quite conservative in the system which they proposed....

For a long time there was no separate publication of laws relating to the District, but one was compelled to search in the statutes at large for such legislation.

One or 2 private efforts were made to remedy this inconvenience. In 1823 Mr. Samuel Burch, at one time, I believe, Secretary of the Senate, published a



digest of the laws of the corporation of Washington, and in an appendix published the laws of Maryland and Virginia relating to the Cities of Washington, Georgetown, and Alexandria and the cession of the counties to the United States and the acts of Congress relating to the District down to that date.

In 1831 Mr. William A. Davis, of Washington, published a collection of the acts of Congress in relation to the District, from July, 1790, to March, 1831, and of the acts of Maryland and Virginia relating to the cession of the District. He states, in his preface, that the acts of Congress in relation to District affairs had been excluded from the general edition of the laws of the United States published under authority of Congress a few years previously, and it had been difficult to ascertain the course of legislation respecting the District. He refers also to laws of Maryland and Virginia in relation to the District not to be found in subsequent editions or collections of their laws, and therefore difficult to be got at, but which it is very important to compile for convenience of reference, both for Congress and the people of the District. This collection gives all the acts of incorporation, amendments to charters of the cities, as well as all private charters and all the legislation affecting private rights and remedies down to the date of its publication. Neither this nor Burch's Digest had any authentic or official character or received any recognition from Congress; but inasmuch as we had no collection of laws so recognized these publications were of great utility in legal proceedings and were relied on as correct expositions of the laws in force and were fully cited in the courts as the law of the District whenever questions arose as to the meaning or effect of statute law.

Between 1831 and 1835 efforts were made in Congress to have commissioners appointed to prepare a code for the District, but it seemed impossible to arouse a sufficient interest in the subject in Congress to procure any action. In 1846 the County of Alexandria was retroceded to Virginia and the District thus reduced in extent. In 1855 an act was passed which authorized the appointment by the President of a commission to revise, simplify, digest, and codify the laws of the District. The author of this bill was Mr. Henry May, then a member from Baltimore. He had been a citizen of Washington and a prominent member of our bar and was acquainted with the defects of our system. It was just about this time, too, as the dates of laws in Maryland indicate, that reforms in the old system common to Maryland and the District were being agitated in that State.

Mr. Robert Ould and Mr. William B. Cross were appointed commissioners for the object. Mr. Ould was a native of Georgetown, who had been a member of the bar for some 10 years. He was District Attorney afterward under Mr. Buchanan, and after the commencement of the Civil War went South and remained in Richmond until his death. Mr. Cross was also a practitioner at our bar, the son of Colonel Cross, one of the first victims of the Mexican War.

They completed a code in 1857. The law authorizing it required it to be submitted to a popular vote, and Mr. Buchanan ordered such vote to be taken on February 15, 1858. The result of this vote just illustrated what I before referred to, viz, the disinclination of the people of the District to welcome fundamental change and novelties in their system of law.

This code abounded in these features: It swept away the whole course of common-law pleadings, in which the whole bar had been educated and trained, and substituted for it a system of informal complaints and answers which must have been borrowed from some one of the radical new states, all which was utterly repugnant to the tastes of the legal profession here. It made changes in the nature of estates, abolishing the rules growing out of the necessity of livery of seisin, which would have been a very useful change. It introduced a law of divorce which was very contrary to the public sentiment at that time. It introduced some very useful reformatations as we would consider them now, but they were entirely in conflict with the tastes and sentiments of the lawyers trained in the old common law. It was not free also from some glaring mistakes. For instance, it declared that law should lie in grant as well as in livery, which was equivalent to saying that it might be conveyed either by deed or the obsolete formality of livery of seisin. It also declared that estates tail might be created as theretofore, which had been virtually obsolete for at least half a century. It is no wonder, therefore that when a vote was taken on the code only 1,138 were cast in favor of it and 3,110 against it.

In 1862 a bill was passed authorizing the President to appoint 3 suitable persons to codify the laws, who were to be confirmed by the Senate. Mr. Lincoln nominated Messrs. Richard S. Coxe, John A. Wells, and Philip R. Fendall to the office, but Congress adjourned before the nomination could be acted upon.

The subject was revived, however, in the act to reorganize the courts of the District which was passed in 1863, and which prescribed that the President should appoint a suitable person to revise and codify the laws. The President appointed for this purpose Mr. Return J. Meigs, who was the clerk of the newly established Supreme Court of the District. Mr. Meigs was an old Tennessee lawyer, thoroughly trained in the old common law, and very well qualified for the task assigned him. I have been unable to find a copy of a code prepared by him, but I understand from his family that it was a small affair, of limited scope, consisting of some 200 pages only, and very few copies were printed. No action was had upon it in Congress.

At the 1st Session of the 38th Congress a resolution was passed authorizing the District Committees of the 2 Houses to revise the code prepared in pursuance of the Act of 1855. The matter, however, dragged along and nothing further was heard of it.

In 1872 the Legislative Assembly of the District passed an act under which George P. Fisher, one of the judges of the Supreme Court of the District of Columbia, and Hugh Caperton, Samuel L. Phillips, E. C. Ingersoll, and R. D. Mussey, all members of our bar, prepared a report on the statutes in force in the District. It commences with the Declaration of Independence, the Articles of Confederation, and Constitution of the United States, and then gives the acts of Maryland and Virginia relating to the cession of the District. It gives the act of Congress establishing the District Territorial government and the acts of Congress relating to District affairs and acts of the District Legislature, without any distinction between them, so that it is impossible to tell what is their authority. It appears to include a good deal of the legislation of the District which is not of a municipal character and which, therefore, according



to a decision rendered by our court long ago, would not be constitutionally valid. When, however, it comes to treat of real estate and titles, it does embody some modern ideas, in advance of the old common-law rules that I have before adverted to, which were evidently borrowed from the codes of some of the states and were not contained in any of the statutes in force in the District. It had no marginal notes indicating the source from which its varied provisions were derived, although it professed to be simply a compilation of existing statutes. It had no index or table of contents.... In December, 1872, Governor Cooke reported this code to the Speaker of the House of Representatives and it was placed on the files, but no action was had upon it.

In the 4th Session of the 44th Congress, about 1877, a bill was reported in the Senate providing for a revision of the laws relating to the District, but it was recommitted, and nothing further was heard of it.

...Between 1861 and 1874 there was more legislation relating directly to our affairs than there had been for half a century before.

Slavery was abolished, the old Circuit Court and Criminal Court were abolished, and the present Supreme Court was established, modeled somewhat after the courts of New York, and a new judicial system was established, of which the principal author was a senator from New York, without the least consultation with the people or the legal profession of the District, entirely foreign to our tastes and habits, and which it took us many years to understand. A general incorporation law was passed, the Metropolitan Police created, a new law as to limited partnerships introduced and divorces authorized, the rights of married women to control their own property recognized — a complete novelty — the Police Court established, the jurisdiction of justices of the peace increased, new punishments prescribed for crimes, and new enactments made as to judicial proceedings, as, for instance, with reference to actions of replevin and the defenses of set-off, usury, etc., and, most important of all, a Territorial government for the District was created, and the old corporations of Washington and Georgetown and the old Levy Court of the county were abolished, except for the purpose of enforcing against them existing obligations.

In June, 1866, an act was passed authorizing the President to appoint 3 commissioners to revise and bring together all the statutes and parts of statutes which ought to be brought together, omitting redundant or obsolete enactments, and making such alterations as may be necessary to reconcile contradictions, supply the omissions, and mend the imperfections of the original text.

The act does not seem, in terms, to allude to the District of Columbia, or even embrace it.

Such commissioners were appointed and proceeded with their work, which was not completed for 7 years. Without having any express authority to do so, they made a separate revision and collection of the acts of Congress relating to the District, besides the collection of general statutes relating to whole United States. Each collection was reported to Congress, to be approved and enacted into law. The concluding paragraphs of each virtually repeal every part of any act of Congress passed before December 1873, which is not included in this

collection, and the whole is enacted into law, as the body of the statute law of the United States, under the title of "Revised Statutes," as of the date June 22, 1874.

The laws relating to the District begin with the one establishing the Territorial government, of February 21, 1871, and the whole collection occupies only 149 pages in the authorized publication. This is the first collection of statute law that ever received congressional approbation. Every law previously passed was an individual act, called for by some emergency, or supposed so to be, without the least consideration of its consistency with other existing laws or its fitness to be part of a system.

But this collection of Revised Statutes in no sense deserves the name of a code. In the first place it does not even purport to give or contain all the statutory law in force in the District. The old British statutes which were in force in Maryland at the time of the cession of the District and the Maryland statutes of over a century, also in force in the territory ceded, and which were expressly continued in force, in general terms, by the Act of Congress assuming jurisdiction over the District of February 27, 1801, are not included in this collection or even alluded to. The general collection might perhaps be considered, in a limited sense, as a code for the United States, as it embraced all the laws affecting the whole United States, within the constitutional legislative jurisdiction of Congress, but there could be no complete code for the entire United States, because the subjects which would be proper to be regulated by a code in the states are entirely outside the legislative authority of Congress. But the collection of the statutes in force in the District did not profess or pretend to provide for such subjects here, even by reenacting laws already in force. And in addition to this there was a total failure to introduce any new features in the way of reform or improvement, and those changes in the law which were embraced in the proposed codes that I have already referred to were entirely wanting.

It is well known that in the very same year in which this collection was published by authority of Congress, containing the law establishing the Territorial government of the District, an act was passed abolishing that government and establishing a board of commissioners for governing temporarily the financial affairs of the District.

In 1878 the present permanent form of government for the District was established, by Act of June 11 of that year, and this act provided that the commissioners to be appointed thereunder should report a draft of such additional laws or amendments to existing laws as, in their opinion, are necessary for the harmonious working of the system thereby adopted. And there was an appropriation in March 1879 for that object, among those for the civil expenses of the Government.

In December 1879, Mr. Dent, in the name of the commissioners, of whom he was the President, reported to the Senate a code of law and procedure for the District which had been prepared by Mr. Edward Chase Ingersoll, a member of the bar of our court, under the direction, as it was said, of Mr. N. G. Riddle, then Attorney for the District. Mr. Ingersoll was a member of our bar of no special prominence, but he certainly exhibited remarkable industry in the



preparation of this code. It was, however, a very singular production. It appeared to be an effort to codify the whole body of the common law and contained 1 treatise after another of the most abstract definitions and propositions....It resembles an elementary work on law, such as would be put into the hands of students. In some places there are valuable new provisions taken from the laws of Massachusetts and New York and the Code of Maryland, but they are so overlaid with the kind of matter that I have alluded to that it is a task to search them out. This is not the style in which a code should be prepared. It should consist of practical enactments, concise and brief. Dudley Field, of New York, prepared a code for that State which professed to embody the whole common law. It was not favorably received and proved to be wholly useless. The code prepared by Mr. Ingersoll met with a similar fate. It was placed on file, but no action was taken upon it.

At the 2nd Session of the 46th Congress the House District Committee reported a bill to revise the acts of Congress relating to the District, and the acts of the corporation and the levy court. It was passed in the House and reported in the Senate but did not pass.

In the 47th Congress Mr. Conners introduced a bill in the House to establish a municipal code, but it did not pass. A similar bill was introduced in the Senate, but no action was taken on it.

Senator Cameron, of Wisconsin, introduced a bill to compile and revise the statutes relating to the District, but no action was had on it.

In the 1st Session of the 47th Congress Mr. McComas, now one of the justices of the Supreme Court of the District of Columbia, introduced a bill in the House to provide for a criminal code for the District and to appoint a person to prepare it. It was passed at the next session and was reported by the Senate Committee on the District and placed on the calendar, and that was the last of it.

In the 49th Congress Mr. Ingalls introduced a bill in the Senate to establish a municipal code, but no action was taken on it.

In the same Congress Mr. McComas again introduced his bill, which had failed at the previous session, but again no action was taken.

At the 2nd Session of the 49th Congress Mr. Hemphill, from the District Committee, introduced a bill providing for the compilation of the District laws by 3 commissioners. It passed the House, was reported in the Senate in the middle of February 1887, but Congress adjourned before any action could be taken.

All this shows a remarkable interest in this subject on the part of the friends of the District in Congress, and at the same time a remarkable indifference in Congress, as the legislature of the District, about bringing its laws up to the standard recognized among the states as suitable for the progress of the age and the advanced conditions of business dealings.

In the 50th Congress Mr. Hemphill, from the House Committee on the District, reported a bill providing that the Supreme Court of the District should appoint 2 persons to compile, arrange, and classify, with a proper index, all statutes and parts of statutes in force in the District, including acts of the 2nd Session of the 50th Congress and relating to all such matters as would

come properly within the scope of a civil and criminal code, the commissioners to receive a certain compensation upon the completion of the work and its approval by the Court.

The Court appointed Mr. William Stone Abert and Mr. B. G. Lovejoy commissioners, but Mr. Lovejoy died shortly afterwards and Mr. Reginald Fendall was appointed in his place. Mr. Fendall, however, took no part in the work, and it was prosecuted entirely by Mr. Abert. He pursued this work with marvelous patience and industry. It covered a vast field and was not completed until 1894. Mr. Abert included in his compilation the old English statutes in force in the Colonies, including Maryland, or supposed by him to be so, from Magna Charta to the 13th of George III, in the year 1773, and all the statutes of Maryland from the year 1704 to February 27, 1801, which had not been repealed and were declared to be in force in the District by the act of Congress of the last date, and the revised acts of Congress before referred to, reenacted in 1874, and also the acts of the Legislative Assembly of the District passed during its brief existence from June 2, 1871, to June 26, 1873, which were supposed to continue in force. The work abounds in marginal references to the various statutes and also to judicial decisions upon their meaning and effect.

The old English statutes and some of the old Maryland statutes abound in antiquated English and redundant verbiage, which it was unnecessary to reenact, and many provisions in them are now inapplicable and obsolete by reason of changes in the practice of the courts and social and political conditions, but it was historically correct to print the entire statutes containing them. The compilation was thereby rendered quite voluminous, but is invaluable as a collection of existing law and was extremely useful to me in a work which I undertook, and will speak of presently. It did not, however, profess to introduce anything new and cannot, therefore, be treated as a code in the sense in which I employ that term. It was approved by the Court, as the statute required, simply because it was considered a correct compilation, and no errors were pointed out, but it never received any recognition, approval, or indorsement by Congress, like the Revised Statutes of 1874; so that it is nothing more as authority than the work of a private compiler of existing laws and is not reenacted by Congress as the existing law. Of course Congress could not delegate to the Court authority to pass a law and the mere approval of the work by the Court did not make the compilation a law or a code of laws.

I am not aware of any other efforts in Congress to promote the passage of a code of laws for the District.

In November, 1895, the Board of Trade of Washington extended an invitation to me to undertake the preparation of a code based upon the existing Code of Maryland. The Bar Association seconded this application.

I did not see how such an undertaking was possible to me at that time, burdened as I was with my judicial duties and the work of the law school of Columbia University, but I accepted the invitation with the qualification that I could not do more than collect materials for doing the work at a future time when I might be entitled to retire from the bench of our Court, which time would arrive in a year. I did not take that step in the fall of 1896, as I might have done, but determined to commence the work of preparing a code very gradually in the intervals between my other engagements....



It appears, then, that 5 codes — those of Judge Cranch, the congressional committee of 1821, of Mr. Return J. Meigs, of Messrs. Fisher and others, and of Mr. Ingersoll — have been formally submitted to Congress, but simply ignored, and that prepared by Messrs. Ould and Cross was voted down by the citizens. This does not give much encouragement for new efforts, but there seems to be such an earnest desire now on the part of the bar and the Board of Trade, which is a very influential representative of public sentiment in the District, that either at the present or the next session of Congress a favorable result may be hoped for.”

Judge Cox spent between 4 and 5 years preparing the code to which he last referred. The code was in 2 parts, the first relating to the general laws and the second consisting of the laws applicable to the municipality of the District of Columbia as such.

At the request of the judges of the Supreme Court of the District of Columbia, the Bar Association appointed a committee to consider the draft, and to work in conjunction with Judge Cox, with a view to proposed changes or amendments.

The committee consisted of:

A. S. Worthington, Chairman.  
William F. Mattingly.  
R. Ross Perry.  
Nathaniel Wilson.  
J. J. Darlington.

George E. Hamilton.  
A. A. Birney.  
Leon Tobriner.  
W. G. Johnson.

The committee served without compensation over a period of nearly 3 months, during which time they were excused by the Court from all trial work in order that they might give their entire attention to the subject. The cost of stenographic services, printing, etc., was paid by voluntary contributions by members of the committee and of the bar.

The committee allotted among its members the various chapters of the code of general laws and extended an invitation to the profession in general to submit suggestions or to appear before the committee and express their views.

The various members of the committee reported to the whole committee, who, in conjunction with Judge Cox, agreed upon a proposed code of general laws to be reported to the Supreme Court of the District of Columbia. The municipal code prepared by Judge Cox was not acted on by the committee.

The Court thereupon adjourned for about 2 weeks, except for a short morning session for emergency matters, and after conferring with the Bar Association committee approved the code with very slight changes.

One of the members of the committee, in speaking of the services of Judge Cox, said: “Judge Cox did not retire from active participation in the making of the code when he submitted his draft. He continued to work with the committee. When the reports of the various members of the committee were submitted, and general sessions were held, Judge Cox was with us all the time, aiding, suggesting, and advising. I never saw a man so liberal in his efforts to carry through a work of this kind. I have always thought that the great credit for the preparation of the code was due to the thought, consideration, patience, and laborious efforts of Judge Cox. I think he was undoubtedly the one man

whose efforts and ability made it possible for the members of the bar committee to get in shape the code as it went through.”

The proposed code was introduced in the House of Representatives on March 21, 1900, by the Honorable John J. Jenkins of Wisconsin. It was reported to the House on April 14, 1900, and was passed on May 28, 1900. It was reported in the Senate on December 15, 1900, by Senator Pritchard, and passed that body on March 2, 1901. It was approved by the President on March 3, 1901.

The committee is indebted to George E. Hamilton, Esq., and Leon Tobriner, Esq., the surviving members of the Bar Association committee, for the data from which the foregoing resume of the activities of the Bar committee has been prepared.

## POSTSCRIPT

### ADDED IN 1981 EDITION OF THE CODE

From 1929 to 1946 a Congressional Committee on Revision of Laws was responsible for the publication of District of Columbia laws. By Act of Congress dated July 30, 1947, this publication responsibility shifted to the Judiciary Committee of the House of Representatives. Again in 1973 Congress acted to delegate the D.C. Code duties to the Office of the Law Revision Counsel of the House of Representatives.

Consistent with the principles of "home rule" established in the District of Columbia Self Government and Governmental Reorganization Act (87 Stat. 774, Public Law 93-198), the Congress of the United States divested itself of the responsibility for preparing and publishing the D.C. Code after the publication of the 5th annual supplement to the 1973 Edition. By virtue of Public Law 94-386, the Office of the Law Revision Counsel of the United States House of Representatives closed its books on the D.C. Code on the last day of 1977. At that time, the text of the 5th supplement was completed and the United States Government Printing Office was responsible for its printing and binding. Public Law 94-386 mandated that thereafter future editions of the D.C. Code and supplements thereto would be prepared and published under the supervision of the Council of the District of Columbia.

Pursuant to its mandate, the Council on July 19, 1977 (by Resolution 2-80) established the Advisory Commission on Codification, an appointed panel of local lawyers and a business professional. The Commission convened to provide the Council with background research and a model plan for the preparation and publication of the D.C. Code. The Advisory Commission on Codification worked intensely on this task during the summer of 1977 consulting with Mr. Edward F. Willett, Jr., Law Revision Counsel of the United States House of Representatives, printer-experts from the United States Government Printing Office, and representatives of major legal publishing companies from across the country. On September 22, 1977, the Advisory Commission on Codification filed with the Council an invaluable report which included a "blue print" for future preparation of the D.C. Code, a suggested staffing pattern and budget for accomplishment of the task, and a proposed format for this next new edition of the D.C. Code. The Commission consisted of:

Harley J. Daniels, Esquire, Chairperson

Marsha Echols, Esquire

J. S. Ellenberger, Esquire

Benny L. Kass, Esquire

Robert Kenney, Esquire

John F. Mercer, Esquire

Gregory E. Mize, Esquire

George Porter, Esquire

John Prescott

John T. Rich, Esquire

Suzanne Richards, Esquire

## POSTSCRIPT

Peter S. Ridley, Jr., Esquire  
Gloria Sulton, Esquire  
John A. Turner, Jr., Esquire  
Edward B. Webb, Jr., Esquire  
Dorothy Wilson, Esquire  
Peter H. Wolf, Esquire (now Associate Judge of the Superior Court of the  
District of Columbia)  
Nancy Wynstra, Esquire

A greater elaboration upon the work of the Advisory Commission on Codification and its plan for a compilation of municipal regulations called the "District of Columbia Municipal Regulations" (DCMR) to complement this D.C. Code may be found in Mize, *A Guide to Deciphering the Laws of a Unique City-State Legislature — The Council of the District of Columbia*, 2 POTOMAC L. REV. 1 (1979).



# **ACTS RELATING TO THE ESTABLISHMENT OF THE DISTRICT OF COLUMBIA AND ITS VARIOUS FORMS OF GOVERNMENTAL ORGANIZATION**

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# CONSTITUTIONAL PROVISION

## Article 1, Section 8

The Congress shall have power — ...

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the government of the United States...

## THE CHARTER OF MARYLAND

*Charles, by the Grace of God, of England, Scotland, France and Ireland, King, Defender of the Faith, &c. To all to whom these presents shall come, Greeting.*

II. Whereas our well beloved and right trusty subject Caecilius Calvert, baron of Baltimore, in our kingdom of Ireland, son and heir of George Calvert, knight, late baron of Baltimore, in our said kingdom of Ireland, treading in the steps of his father, being animated with a laudable and pious zeal for extending the christian religion, and also the territories of our empire, hath humbly besought leave of us, that he may transport, by his own industry and expence, a numerous colony of the English nation, to a certain region, herein after described, in a country hitherto uncultivated, in the parts of America, and partly occupied by savages, having no knowledge of the Divine Being, and that all that region, with some certain privileges and jurisdictions, appertaining unto the wholesome government, and state of his colony and region aforesaid, may by our royal highness be given, granted, and confirmed unto him, and his heirs.

III. Know ye therefore, that we, encouraging with our royal favour, the pious and noble purpose of the aforesaid barons of Baltimore, of our special grace, certain knowledge, and mere motion, have given, granted and confirmed, and by this our present charter, for us, our heirs and successors, do give, grant and confirm, unto the aforesaid Caecilius, now baron of Baltimore, his heirs and assigns, all that part of the peninsula, or chersonese, lying in the parts of America, between the ocean on the east, and the bay of Chesapeake on the west, divided from the residue thereof by a right line drawn from the promontory, or head-land, called Watkin's Point, situate upon the bay aforesaid, near the river of Wighco, on the west, unto the main ocean on the east; and between that boundary on the south, unto that part of the bay of Delaware on the north, which lieth under the fortieth degree of north latitude from the aequinoctial, where New England is terminated: And all the tract of that land within the metes underwritten (that is to say,) passing from the said bay, called Delaware bay, in a right line, by the degree aforesaid, unto the true meridian of the first fountain of the river of Pattowmack, thence verging towards the south, unto the further bank of the said river, and following the same on the west and south, unto a certain place called Cinquack, situate near the mouth



of the said river, where it disembogues into the aforesaid bay of Chessopeake, and thence by the shortest line unto the aforesaid promontory or place, called Watkin's Point; so that the whole tract of land, divided by the line aforesaid, between the main ocean, and Watkin's Point, unto the promontory called Cape Charles and every the appendages thereof, may entirely remain excepted for ever to us, our heirs and successors.

IV. Also we do grant, and likewise confirm unto the said baron of Baltimore, his heirs and assigns, all islands and islets within the limits aforesaid, all and singular the islands and islets, from the eastern shore of the aforesaid region, towards the east, which have been, or shall be formed in the sea, situate within ten marine leagues from the said shore; with all and singular the ports, harbours, bays, rivers, and straits, belonging to the region or islands aforesaid, and all the soil, plains, woods, mountains, marshes, lakes, rivers, bays, and straits, situate, or being within the metes, bounds and limits aforesaid, with the fishings of every kind of fish, as well as of whales, sturgeons, and other royal fish, as of other fish, in the sea, bays, straits or rivers, within the premisses, and the fish there taken: And moreover all veins, mines, and quarries, as well opened as hidden, already found, or that shall be found within the region, islands or limits aforesaid, of gold, silver, gems and precious stones, and any other whatsoever, whether they be of stones, or metals, or of any other thing or matter whatsoever: And furthermore the patronages, and advowsons of all churches which (with the increasing worship and religion of Christ) within the said region, islands, islets and limits aforesaid, hereafter shall happen to be built, together with license and faculty of erecting and founding churches, chapels, and places of worship, in convenient and suitable places, within the premisses, and of causing the same to be dedicated and consecrated according to the ecclesiastical laws of our kingdom of England, with all, and singular such, and as ample rights, jurisdictions, privileges, prerogatives, royalties, liberties, immunities, and royal rights, and temporal franchises whatsoever, as well by sea as by land, within the region, islands, islets and limits aforesaid, to be had, exercised, used and enjoyed, as any bishop of Durham, within the bishoprick or county palatine of Durham in our kingdom of England, ever heretofore hath had, held, used or enjoyed, or of right could, or ought to have, hold, use or enjoy.

V. And we do by these presents, for us, our heirs and successors, make, create, and constitute him, the now baron of Baltimore, and his heirs, the true and absolute lords and proprietaries of the region aforesaid, and of all other the premisses, (except the before excepted,) saving always the faith and allegiance and sovereign dominion due to us, our heirs and successors, to have, hold, possess and enjoy, the aforesaid region, islands, islets, and other the premisses, unto the aforesaid now baron of Baltimore, and to his heirs and assigns, to the sole and proper behoof and use of him, the now baron of Baltimore, his heirs and assigns, forever: To hold of us, our heirs and successors, kings of England, as of our castle of Windsor, in our county of Berks, in free and common soccage, by fealty only for all services, and not *in capite*, nor by knight's service, yielding therefore unto us, our heirs, and successors two Indian arrows of those parts,



to be delivered at the said castle of Windsor, every year, on Tuesday in Easter-week; and also the fifth part of all gold and silver ore, which shall happen from time to time, to be found within the aforesaid limits.

VI. Now, that the aforesaid region, thus by us granted and described, may be eminently distinguished above all other regions of that territory, and decorated with more ample titles, know ye, that we, our more especial grace, certain knowledge, and mere motion, have thought fit that the said region and islands be erected into a province, as out of the plentitude of our royal power and prerogative, we do, for use, our heirs and successors, erect and incorporate the same into a province, and nominate the same Maryland, by which name we will that it shall from henceforth be called.

VII. And forasmuch as we have above made and ordained the aforesaid now baron of Baltimore, the true lord and proprietary of the whole province aforesaid, Know ye therefore further, that we, for us, our heirs and successors, do grant unto the said now baron, (in whose fidelity, prudence, justice, and provident circumspection of mind, we repose the greatest confidence,) and to his heirs, for the good and happy government of the said province, free, full, and absolute power, by the tenor of these presents, to ordain, make, and enact laws, of what kind soever, according to their sound discretions, whether relating to the public state of the said province, or the private utility of individuals, of and with the advice, assent, and approbation of the free-men of the same province, or of the greater part of them, or of their delegates or deputies, whom we will shall be called together for the framing of laws, when, and as often as need shall require, by the aforesaid now baron of Baltimore, and his heirs, and in the form which shall seem best to him or them, and the same to publish under the seal of the aforesaid now baron of Baltimore, and his heirs, and duly to execute the same upon all persons, for the time being, within the aforesaid province, and the limits thereof, or under his or their government and power, in sailing towards Maryland, or thence returning, outward bound, either to England, or elsewhere whether to any other part of our, or of any foregin dominions, wheresoever established, by the imposition of fines, imprisonment, and other punishment whatsoever; even if it be necessary, and the quality of the offence require it, by privation of member, or life, by him the aforesaid now baron of Baltimore, and his heirs, or by his or their deputy, lieutenant, judges, justices, magistrates, officers and ministers, to be constituted and appointed according to the tenor and true intent of these presents, and to constitute and ordain judges, justices, magistrates and officers, of what kind, for what cause, and with what power soever, within that land, and the sea of those parts, and in such form as to the said now baron of Baltimore, or his heirs, shall seem most fitting: And also to remit, release, pardon and abolish, all crimes and offences whatsoever against such laws, whether before, or after judgment passed; and to do all and singular other things belonging to the completion of justice, and to courts, praetorian judicatories, and tribunals, judicial forms and modes of proceeding, although express mention thereof in these presents to be not made; and, by judges by them delegated, to award process, hold pleas, and determine in those courts, praetorian judicatories, and

tribunals, in all actions, suits, causes, and matters whatsoever, as well criminal as personal, real and mixed, and praetorian: Which said laws, so to be published as abovesaid, we will, enjoin, charge and command, to be most absolute and firm in law, and to be kept in those parts by all the subjects and liege-men of us, our heirs and successors, so far as they concern them, and to be inviolably observed under the penalties therein expressed, or to be expressed. So nevertheless, that the laws aforesaid be consonant to reason, and be not repugnant or contrary, but (so far as conveniently may be) agreeable to the laws, statutes, customs and rights of this our kingdom of England.

VIII. And forasmuch as, in the government of so great a province, sudden accidents may frequently happen, to which it will be necessary to apply a remedy, before the freeholders of the said province, their delegates or deputies, can be called together for the framing of laws; neither will it be fit that so great a number of people should immediately, on such emergent occasion, be called together, we therefore, for the better government of so great a province, do will and ordain, and by these presents, for us, our heirs and successors, do grant unto the said now baron of Baltimore, and to his heirs, that the aforesaid now baron of Baltimore, and his heirs, by themselves, or by their magistrates and officers, thereunto duly to be constituted as aforesaid, may, and can make and constitute fit and wholesom ordinances from time to time, to be kept and observed within the province aforesaid, as well for the conservation of the peace, as for the better government of the people inhabiting therein, and publicly to notify the same to all persons whom the same in any wise do or may affect. Which ordinances we will to be inviolably observed within the said province, under the pains to be expressed in the same: So that the said ordinances be consonant to reason, and be not repugnant nor contrary, but (so far as conveniently may be done) agreeable to the laws, statutes, or rights of our kingdom of England: And so that the same ordinances do not, in any sort, extend to oblige, bind, charge, or take away the right or interest of any person or persons, of, or in member, life, freehold, goods or chattels.

IX. Furthermore, that the new colony may more happily increase by a multitude of people resorting thither, and at the same time may be more firmly secured from the incursions of savages, or of other enemies, pirates and ravagers: We therefore, for us, our heirs and successors, do by these presents give and grant power, licence and liberty, to all the liege-men and subjects, present and future, of us, our heirs and successors, except such to whom it shall be expressly forbidden, to transport themselves and their families to the said province, with fitting vessels, and suitable provisions, and therein to settle, dwell and inhabit; and to build and fortify castles, forts, and other places of strength, at the appointment of the aforesaid now baron of Baltimore, and his heirs, for the public and their own defence; the statute of fugitives, or any other whatsoever to the contrary of the premisses in any wise notwithstanding.

X. We will also, and of our more abundant grace, for us, our heirs and successors, do firmly charge, constitute, ordain and command, that the said province be of our allegiance; and that all and singular the subjects and



liege-men of us, our heirs and successors, transplanted, or hereafter to be transplanted into the province aforesaid and the children of them and of others their descendants whether already born there or hereafter to be born be and shall be natives and liege-men of us, our heirs and successors, of our kingdom of England and Ireland; and in all things shall be held, treated, reputed, and esteemed as the faithful liege-men of us, and our heirs and successors, born within our kingdom of England; also lands, tenements, revenues, services, and other hereditaments whatsoever, within our kingdom of England, and other our dominions, to inherit, or otherwise purchase, receive, take, have, hold, buy and possess, and the same to use and enjoy, and the same to give, sell, alien and bequeath; and likewise all privileges, franchises and liberties of this our kingdom of England, freely, quietly, and peaceably to have and possess, and the same may use and enjoy in the same manner as our liege-men born, or to be born within our said kingdom of England, without impediment, molestation, vexation, impeachment, or grievance of us, or any of our heirs or successors; any statute, act, ordinance or provision, to the contrary thereof notwithstanding.

XI. Furthermore, that our subjects may be incited to undertake this expedition with a ready and chearful mind: Know ye, that we, of our especial grace, certain knowledge, and mere motion, do, by the tenor of these presents, give and grant, as well to the aforesaid baron of Baltimore, and to his heirs, as to all other persons who shall from time to time repair to the said province, either for the sake of inhabiting, or of trading with the inhabitants of the province aforesaid, full license to ship and lade in any the ports of us, our heirs and successors, all and singular their goods, as well moveable as immoveable, wares and merchandises, likewise grain of what sort soever, and other things whatsoever necessary for food and cloathing, by the laws and statutes of our kingdoms and dominions, not prohibited to be transported out of the said kingdoms; and the same to transport, by themselves, or their servants or assigns, into the said province, without the impediment or molestation of us, our heirs or successors, or of any officers of us, our heirs or successors, (saving unto us, our heirs and successors, the impositions, subsidies, customs, and other dues payable for the same goods and merchandises), any statute, act, ordinance, or other thing whatsoever to the contrary notwithstanding.

XII. But because, that in so remote a region, placed among so many barbarous nations, the incursions as well of the barbarians themselves, as of other enemies, pirates and ravagers, probably will be feared, therefore, we have given, and for us, our heirs and successors, do give by these presents, as full and unrestrained power, as any captain-general of an army ever hath had, unto the aforesaid now baron of Baltimore, and to his heirs and assigns, by themselves, or by their captains, or other officers, to summon to their standards, and to array all men, of whatsoever condition, or wheresoever born, for the time being, in the said province of Maryland, to wage war, and to pursue, even beyond the limits of their province, the enemies and ravagers aforesaid, infesting those parts by land and by sea, and (if God shall grant it) to vanquish and captivate them, and the captives to put to death, or, according

to their discretion, to save, and to do all other and singular the things which appertain, or have been accustomed to appertain unto the authority and office of a captain-general of an army.

XIII. We also will, and by this our charter, do give unto the aforesaid now baron of Baltimore, and to his heirs and assigns, power, liberty and authority, that in case of rebellion, sudden tumult, or sedition, if any (which God forbid) should happen to arise, whether upon land within the province aforesaid, or upon the high sea in making a voyage to the said province of Maryland, or in returning thence, they may, by themselves, or by their captains, or other officers, thereunto deputed under their seals (to whom we for us, our heirs and successors, by these presents, do give and grant the fullest power and authority) exercise martial law as freely, and in as ample manner and form, as any captain-general of an army, by virtue of his office may, or hath accustomed to use the same, against the seditious authors of innovations in those parts, withdrawing themselves from the government of him or them, refusing to serve in war, flying over to the enemy, exceeding their leave of absence, deserters, or otherwise howsoever offending against the rule, law, or discipline of war.

XIV. Moreover, left in so remote and far distant a region, every access to honours and dignities may seem to be precluded, and utterly barred, to men well born, who are preparing to engage in the present expedition, and desirous of deserving well, both in peace and war, of us, and our kingdoms; for this cause, we, for us, our heirs and successors, do give free and plenary power to the aforesaid now baron of Baltimore, and to his heirs and assigns, to confer favours, rewards and honours upon such subjects, inhabiting within the province aforesaid, as shall be well deserving, and to adorn them with whatsoever titles and dignities they shall appoint; (so that they be not such as are now used in England) also to erect and incorporate towns into boroughs, and boroughs into cities, with suitable privileges and immunities, according to the merits of the inhabitants, and convenience of the places; and to do all and singular other things in the premises, which to him or them shall seem fitting and convenient; even although they shall be such as, in their own nature, require a more special commandment and warrant than in these presents may be expressed.

XV. We will also, and by these presents do, for us, our heirs and successors, give and grant license by this our charter, unto the aforesaid now baron of Baltimore, his heirs and assigns, and to all persons whatsoever, who are, or shall be residents and inhabitants of the province aforesaid, freely to import and unlade, by themselves, their servants, factors or assigns, all wares and merchandises whatsoever, which shall be collected out of the fruits and commodities of the said province, whether the product of the land or the sea, into any the ports whatsoever of us, or heirs and successors, of England or Ireland, or otherwise to dispose of the same there; and, if need be, within one year, to be computed immediately from the time of unlading thereof, to lade the same merchandises again, in the same, or other ships, and to export the same to any other countries they shall think proper, whether belonging to us, or any



foreign power which shall be in amity with us, our heirs or successors: *Provided always*, That they be bound to pay for the same to us, our heirs and successors, such customs and impositions, subsidies and taxes, as our other subjects of our kingdom of England, for the time being, shall be found to pay, beyond which we will that the inhabitants of the aforesaid province of the said land, called Maryland, shall not be burthened.

XVI. And furthermore, of our more ample special grace, and of our certain knowledge, and mere motion, we do, for us, our heirs and successors, grant unto the aforesaid now baron of Baltimore, his heirs and assigns, full and absolute power and authority to make, erect and constitute, within the province of Maryland, and the islands and islets aforesaid, such, and so may sea-ports, harbours, creeks, and other places of unlading and discharge of goods and merchandises out of ships, boats, and other vessels, and of lading in the same, and in so many, and such places, and with such rights, jurisdictions, liberties, and privileges, unto such ports respecting, as to him or them shall seem most expedient: And, that all and every the ships, boats, and other vessels whatsoever, coming to, or going from the province aforesaid, for the sake of merchandising, shall be laden and unladen at such ports only as shall be so erected and constituted by the said now baron of Baltimore, his heirs and assigns, any usage, custom, or any other thing whatsoever to the contrary notwithstanding. Saving always to us, our heirs and successors, and to all the subjects of our kingdoms of England and Ireland, of us, our heirs and successors, the liberty of fishing for sea-fish, as well in the sea, bays, straits, and navigable rivers, as in the harbours, bays, and creeks of the province aforesaid; and the privilege of salting and drying fish on the shores of the same province; and, for that cause, to cut down and take hedgingwood and twigs there growing, and to build huts and cabins, necessary in this behalf, in the same manner as heretofore they reasonably might, or have used to do. Which liberties and privileges, the said subjects of us, our heirs and successors, shall enjoy, without notable damage or injury in any wise to be done to the aforesaid now baron of Baltimore, his heirs or assigns, or to the residents and inhabitants of the same province in the ports, creeks, and shores aforesaid, and especially in the woods and trees there growing. And if any person shall do damage or injury of this kind, he shall incur the peril and pain of the heavy displeasure of us, our heirs and successors, and of the due chastisement of the laws, besides making satisfaction.

XVII. Moreover, we will, appoint, and ordain, and by these presents, for us, our heirs and successors, do grant unto the aforesaid now baron of Baltimore, his heirs and assigns, that the same baron of Baltimore, his heirs and assigns, from time to time, for ever, shall have, and enjoy the taxes and subsidies payable, or arising within the ports, harbours, and other creeks and places aforesaid, within the province aforesaid, for wares bought and sold, and things there to be laden or unladen, to be reasonably assessed by them, and the people there as aforesaid, on emergent occasion; to whom we grant power by these presents, for us, our heirs and successors, to assess and impose the said taxes and subsidies there, upon just cause, and in due proportion.

XVIII. And furthermore, of our special grace, and certain knowledge, and mere motion, we have given, granted and confirmed, and by these presents, for us, our heirs and successors, do give, grant and confirm, unto the aforesaid now baron of Baltimore, his heirs and assigns, full and absolute licence, power and authority, that he, the aforesaid now baron of Baltimore, his heirs and assigns, from time to time hereafter, for ever, may and can, at his or their will and pleasure, assign, alien, grant, demise, or enfeoff so many, such, and proportionate parts and parcels of the premises, to any person or persons willing to purchase the same, as they shall think convenient, to have and to hold to the same person or persons willing to take or purchase the same, and his and their heirs and assigns, in fee-simple, or fee-tail, or for term of life, lives or years; to hold of the aforesaid now baron of Baltimore, his heirs and assigns, by so many, such, and so great services, customs and rents, of his kind, as to the same now baron of Baltimore, his heirs and assigns, shall seem fit and agreeable, and not immediately of us, our heirs or successors. And we do give, and by these presents, for us, our heirs and successors, do grant to the same person and persons, and to each and every of them, licence, authority and power, that such person and persons, may take the premisses, or any parcel thereof, of the aforesaid now baron of Baltimore, his heirs and assigns, and hold the same to them and their assigns, or their heirs, of the aforesaid baron of Baltimore, his heirs and assigns, of what estate of inheritance soever, in fee-simple or fee-tail, or otherwise, as to them and the now baron of Baltimore, his heirs and assigns, shall seem expedient; the statute made in the parliament of lord Edward, son of king Henry, late king of England, our progenitor, commonly called the "*Statute quia emptores terrarum*," heretofore published in our kingdom of England, or any other statute, act, ordinance, usage, law, or custom, or any other thing, cause of matter, to the contrary thereof, heretofore had, done, published, ordained, or provided to the contrary thereof notwithstanding.

XIX. We also, by these presents, do give and grant licence to the same baron of Baltimore, and to his heirs, to erect any parcels of land within the province aforesaid, into manors, and in every one of those manors, to have and to hold a court-baron, and all things which to a court-baron do belong; and to have and to keep view of frank-pledge, for the conservation of the peace and better government of those parts, by themselves and their stewards, or by the lords, for the time being to be deputed, of other of those manors when they shall be constituted, and in the same to exercise all things to the view of frank-pledge, belonging.

XX. And further we will, and do, by these presents, for us, our heirs and successors, covenant and grant to, and with the aforesaid now baron of Baltimore, his heirs and assigns, that we, our heirs and successors, at no time hereafter, will impose, or make or cause to be imposed, any impositions, customs, or other taxations, quotas or contributions whatsoever, in or upon the residents or inhabitants of the province aforesaid for their goods, lands, or tenements within the same province, or upon any tenements, lands, goods or chattels within the province aforesaid, or in or upon any goods or merchandises within the province aforesaid, or within the ports or harbours of the said



province, to be laden or unladen: And we will and do, for us, our heirs and successors, enjoin and command that this our declaration shall, from time to time, be received and allowed in all our courts and praetorian judicatories, and before all the judges whatsoever of us, our heirs and successors, for a sufficient and lawful discharge, payment, and acquittance thereof, charging all and singular the officers and ministers of us, our heirs and successors, and enjoining them, under our heavy displeasure, that they do not at any time presume to attempt any thing to the contrary of the premisses or that may in any wise contravene the same, but that they, at all times, as is fitting, do aid and assist the aforesaid now baron of Baltimore, and his heirs, and the aforesaid inhabitants and merchants of the province of Maryland aforesaid, and their servants and ministers, factors and assigns, in the fullest use and enjoyment of this our charter.

XXI. And furthermore we will, and by these presents, for us, our heirs and successors, do grant unto the aforesaid now baron of Baltimore, his heirs and assigns, and to the freeholders and inhabitants of the said province, both present and to come, and to every of them, that the said province, and the freeholders or inhabitants of the said colony or country, shall not henceforth be held or reputed a member or part of the land of Virginia, or of any other colony already transported, or hereafter to be transported, or be dependent on the same, or subordinate in any kind of government, from which we do separate both the said province, and inhabitants thereof, and by these presents do will to be distinct, and that they may be immediately subject to our crown of England, and dependent on the same for ever.

XXII. And if, peradventure, hereafter it may happen, that any doubts or questions should arise concerning the true sense and meaning of any word, clause or sentence contained in this our present charter, we will, charge and command, that interpretation to be applied, always, and in all things, and in all our courts and judicatories whatsoever, to obtain which shall be judged to be the more beneficial, profitable, and favourable to the aforesaid now baron of Baltimore, his heirs and assigns: *Provided always*, That no interpretation thereof be made, whereby God's holy and true christian religion, or the allegiance due to us, our heirs and successors, may in any wise suffer by change, prejudice, or diminution; although express mention be not made in these presents of the true yearly value of certainty of the premisses, or of any part thereof, or of other gifts and grants made by us, our heirs and predecessors, unto the said now lord Baltimore, or any statute, act, ordinance, provision, proclamation or restraint, heretofore had, made, published, ordained or provided, or any other thing, cause, or matter whatsoever, to the contrary thereof in any wise notwithstanding.

XXIII. In witness whereof we have caused these our letters to be made patent. Witness ourself at Westminster, the twentieth day of June, in the eighth year of our reign.

## ORIGINAL DECLARATION OF RIGHTS OF THE STATE OF MARYLAND

The parliament of Great Britain, by a declaratory act, having assumed a right to make laws to bind the colonies in all cases whatsoever, and in pursuance to such claim endeavoured by force of arms to subjugate the United Colonies to an unconditional submission to their will and power, and having at length constrained them to declare themselves independent states, and to assume government under the authority of the people, Therefore, we, the Delegates of Maryland, in free and full convention assembled, taking into our most serious consideration, the best means of establishing a good constitution in this state, for the surer foundation, and more permanent security thereof, declare,

1. That all government of right originates from the people, is founded in compact only, and instituted solely for the good of the whole.

2. That the people of this state ought to have the sole and exclusive right of regulating the internal government and police thereof.

3. That the inhabitants of Maryland are entitled to the common law of England, and the trial by jury according to the course of that law, and to the benefit of such of the English statutes as existed at the time of their first emigration, and which by experience have been found applicable to their local and other circumstances, and of such others as have been since made in England or Great Britain, and have been introduced, used, and practised by the courts of law or equity; and also to all acts of assembly in force on the first of June, seventeen hundred and seventy-four, except such as may have since expired, or have been, or may be altered by acts of convention, or this declaration of rights; subject nevertheless to the revision of, and amendment or repeal by the legislature of this state; and the inhabitants of Maryland are also entitled to all property derived to them from or under the charter granted by his majesty Charles the first, to Caecilius Calvert, baron of Baltimore.

4. That all persons invested with the legislative or executive powers of government are the trustees of the public, and as such accountable for their conduct; wherefore, whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought, to reform the old, or establish a new government; the doctrine of non-resistance against arbitrary power and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.

5. That the right in the people to participate in the legislature is the best security of liberty, and the foundation of all free government; for this purpose elections ought to be free and frequent, and every man having property in, a common interest with, and an attachment to the community, ought to have a right of suffrage.

6. That the legislative, executive, and judicial powers of government, ought to be for ever separate and distinct from each other.

7. That no power of suspending laws, or the execution of laws, unless by or derived from the legislature, ought to be exercised or allowed.



8. That freedom of speech and debates or proceedings in the legislature, ought not to be impeached in any other court of judicature.

9. That a place for the meeting of the legislature ought to be fixed, the most convenient to the members thereof, and to the depository of the public records; and the legislature ought not to be convened or held at any other place but from evident necessity.

10. That for the redress of grievances, and for amending, strengthening and preserving the laws, the legislature ought to be frequently convened.

11. That every man hath a right to petition the legislature for the redress of grievances in a peaceable and orderly manner.

12. That no aid, charge, tax, burthen, fee or fees, ought to be set, rated or levied, under any pretence, without the consent of the legislature.

13. That the levying taxes by the poll is grievous and oppressive, and ought to be abolished; that paupers ought not to be assessed for the support of government, but every other person in the state ought to contribute his proportion of public taxes, for the support of government, according to his actual worth in real or personal property within this state; yet fines, duties or taxes, may properly and justly be imposed or laid with a political view for the good government and benefit of the community.

14. That sanguinary laws ought to be avoided, as far as is consistent with the safety of the state; and no law to inflict cruel and unusual pains and penalties ought to be made, in any case, or at any time hereafter.

15. That retrospective laws, punishing facts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty; wherefore no ex post facto law ought to be made.

16. That no law to attain particular persons of treason or felony, ought to be made in any case or at any time hereafter.

17. That every free man, for any injury done to him in his person, or property, ought to have remedy by the course of the law of the land, and ought to have justice and right, freely without sale, fully without any denial and speedily without delay, according to the law of the land.

18. That the trial of facts where they arise, is one of the greatest securities of the lives, liberties, and estate of the people.

19. That in all criminal prosecutions, every man hath a right to be informed of the accusation against him; to have a copy of the indictment, or charge, in due time, (if required,) to prepare for his defence; to be allowed counsel; to be confronted with the witnesses against him; to have process for his witnesses; to examine the witnesses for and against him on oath, and to a speedy trial by an impartial jury, without whose unanimous consent he ought not to be found guilty.

20. That no man ought to be compelled to give evidence against himself in a court of common law, or in any other court, but in such cases as have been usually practised in this state, or may hereafter be directed by the legislature.

21. That no freeman ought to be taken or imprisoned, or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner destroyed, or deprived of his life, liberty or property, but by the judgment of his peers, or by the law of the land.

22. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted by the courts of law.

23. That all warrants without oath, or affirmation, to search suspected places, or to seize any person, or property are serious and oppressive; and all general warrants to search suspected places, or to apprehend suspected persons, without naming or describing the place, or the person in special, are illegal and ought not to be granted.

24. That there ought to be no forfeiture of any part of the estate of any person for any crime except murder, or treason against the state, and then only on conviction and attainder.

25. That a well regulated militia is the proper and natural defence of a free government.

26. That standing armies are dangerous to liberty, and ought not to be raised or kept up without consent of the legislature.

27. That in all cases and at all times the military ought to be under strict subordination to, and control of, the civil power.

28. That no soldier ought to be quartered in any house in time of peace without the consent of the owner, and in time of war in such manner only as the legislature shall direct.

29. That no person except regular soldiers, mariners and marines, in the service of this state, or militia when in actual service, ought in any case to be subject to, or punishable by martial law.

30. That the independency and uprightness of judges are essential to the impartial administration of justice, and a great security to the rights and liberties of the people; wherefore, the chancellor and all judges ought to hold commissions during good behaviour; and the said chancellor and judges shall be removed for misbehavior, on conviction in a court of law, and may be removed by the governor, upon the address of the general assembly: *Provided*, That two-thirds of all the members of each house concur in such address. That salaries, liberal, but not profuse, ought to be secured to the chancellor and the judges during the continuance of their commissions, in such manner and at such time, as the legislature shall hereafter direct, upon consideration of the circumstances of this state. No chancellor or judge ought to hold any other office, civil or military, or receive fees or perquisites of any kind.

31. That a long continuance in the first executive departments of power or trust, is dangerous to liberty; a rotation, therefore, in those departments, is one of the best securities of permanent freedom.

32. That no person ought to hold, at the same time, more than one office of profit, nor ought any person in public trust to receive any present from any foreign prince or state, or from the United States, or any of them, without the approbation of this state.

33. That, as it is the duty of every man to worship God in such manner as he thinks most acceptable to him, all persons professing the christian religion are equally entitled to protection in their religious liberty; wherefore, no person ought by any law to be molested in his person or estate, on account of his religious persuasion or profession, or for his religious practice; unless, under colour of religion, any man shall disturb the good order, peace, or safety



of the state, or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent or maintain, or contribute, unless on contract, to maintain any particular place of worship, or any particular ministry. Yet the legislature may, in their discretion, lay a general and equal tax for the support of the christian religion, leaving to each individual the power of appointing the payment over of the money collected from him, to the support of any particular place of worship or minister, or for the benefit of the poor of his own denomination, or the poor in general of any particular county; but the churches, chapels, glebes, and all other property now belonging to the church of England, ought to remain to the church of England for ever. And all acts of assembly lately passed for collecting moneys for building or repairing particular churches or chapels of ease, shall continue in force and be executed, unless the legislature shall by act supersede or repeal the same; but no county court shall assess any quantity of tobacco or sum of money hereafter, on the application of any vestrymen or churchwardens; and every incumbent of the church of England, who hath remained in his parish and performed his duty, shall be entitled to receive the provision and support established by the act, entitled, An act for the support of the clergy of the church of England in this province, till the November court of this present year to be held for the county in which his parish shall lie, or partly lie, or for such time as he hath remained in his parish and performed his duty.

34. That every gift, sale, or devise of lands, to any minister, public teacher, or preacher of the gospel, as such, or to any religious sect, order or denomination, or to or for the support, use or benefit of, or in truth for, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order or denomination; and every gift or sale of goods or chattels, to go in succession, or to take place after the death of the seller or donor, to or for such support, use or benefit; and also every devise of goods or chattels to, or to or for the support, use or benefit of, any minister, public teacher, or preacher of the gospel, as such, or any religious sect, order or denomination, without the leave of the legislature, shall be void; except always any sale, gift, lease, or devise, of any quantity of land not exceeding two acres, for a church, meeting, or other house of worship, and for a burying ground, which shall be improved, enjoyed or used, only for such purpose, or such sale, gift, lease or devise, shall be void.

35. That no other test or qualification ought to be required, on admission to any office of trust or profit, than such oath of support and fidelity to this state, and such oath of office, as shall be directed by this convention or the legislature of this state, and a declaration of a belief in the christian religion.

36. That the manner of administering an oath to any person ought to be such as those of the religious persuasion, profession, or denomination, of which such person is one, generally esteem the most effectual confirmation by the attestation of the Divine Being; and that the people called quakers, those called tunkers, and those called menonists, holding in unlawful to take an oath, on any occasion, ought to be allowed to make their solemn affirmation in the manner that quakers have been heretofore allowed to affirm, and to be of the same avail as an oath, in all such cases as the affirmation of quakers hath

been allowed and accepted within this state instead of an oath. And further, on such affirmation warrants to search for stolen goods, or the apprehension or commitment of offenders, ought to be granted, or security for the peace awarded, and quakers, tunkers, or menonists, ought also, on their solemn affirmation as aforesaid, to be admitted as witnesses in all criminal cases not capital.

37. That the city of Annapolis ought to have all its rights, privileges and benefits, agreeable to its charter and the acts of assembly confirming and regulating the same; subject, nevertheless, to such alterations as may be made by this convention or any future legislature.

38. That the liberty of the press ought to be inviolably preserved.

39. That monopolies are odious, contrary to the spirit of a free government, and the principles of commerce, and ought not to be suffered.

40. That no title of nobility, or hereditary honour, ought to be granted in this state.

41. That the subsisting resolves of this and the several conventions held for this colony, ought to be in force as laws, unless altered by this convention, or the legislature of this state.

42. That this declaration of rights, or the form of government to be established by this convention, or any part of either of them, ought not to be altered, changed, or abolished by the legislature of this state but in such manner as this convention shall prescribe and direct.

## **ACT OF CESSION FROM THE STATE OF VIRGINIA**

### **An Act for the Cession of Ten Miles Square, or any Lesser Quantity of Territory Within This State, to the United States, in Congress Assembled, for the Permanent Seat of the General Government**

I. Whereas the equal and common benefits resulting from the administration of the General Government will be best diffused, and its operations become more prompt and certain, by establishing such a situation for the seat of the said Government as will be most central and convenient to the citizens of the United States at large; having regard as well to population, extent of territory, and a free navigation to the Atlantic Ocean, through the Chesapeake Bay, as to the most direct and ready communication with our fellow-citizens on the western frontier; and whereas it appears to this assembly that a situation combining all the considerations and advantages before recited may be had on the banks of the river Potomac, above tidewater, in a country rich and fertile in soil, healthy and salubrious in climate, and abounding in all the necessities and conveniences of life, where, in a location of ten miles square, if the wisdom of Congress shall so direct, the States of Pennsylvania, Maryland, and Virginia, may participate in such location:



II. *Be it therefore enacted by the general assembly*, That a tract of country not exceeding ten miles square, or any lesser quantity, to be located within the limits of the State, and in any part thereof, as Congress may by law direct, shall be, and the same is hereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of the Government of the United States.

III. *Provided*, That nothing herein contained shall be construed to vest in the United States any right of property in the soil, or to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States.

IV. *And provided also*, That the jurisdiction of the laws of this commonwealth over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until Congress, having accepted the said cession, shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the articles of the Constitution before recited.

## **ACT AUTHORIZING CESSION FROM STATE OF MARYLAND**

### **An Act to Cede to Congress a District of Ten Miles Square in This State for the Seat of the Government of the United States**

*Be it enacted, by the General Assembly of Maryland*, That the representatives of this state in the house of representatives in the congress of the United States, appointed to assemble at New York on the first Wednesday of March next, be and they are hereby authorized and required, on the behalf of this state, to cede to the congress of the United States, any district in this state, not exceeding ten miles square, which the congress may fix upon and accept for the seat of government of the United States.

## **ACT OF MARYLAND RATIFYING THE CESSION**

### **An Act Concerning the Territory of Columbia and the City of Washington**

Whereas the President of the United States, by virtue of several acts of Congress, and acts of the assemblies of Maryland and Virginia, by his proclamation, dated at Georgetown on the thirtieth day of March, seventeen hundred and ninety-one, did declare and make known that the whole of the territory of ten miles square, for the permanent seat of government of the United States, shall be located and included within the four lines following, that is to say: Beginning at Jones Point, being the upper point of Hunting

Creek, in Virginia, and at an angle at the outset forty-five degrees west of north, and running a direct line ten miles for the first line; then beginning again at the same Jones Point and running another direct line at a right angle with the first across the Potomac ten miles for the second line; then from the terminations of the said first and second lines running two other direct lines ten miles each, the one across the Eastern Branch and the other Potomac, and meeting each other in a point, which has since been called the Territory of Columbia; and,

Whereas Notley Young, Daniel Carroll, of Duddington, and many others, proprietors of the greater part of the land hereinafter mentioned to have been laid out in a city, came into an agreement, and have conveyed their lands in trust to Thomas Beall, son of George, and John Mackall Gantt, whereby they have subjected their lands to be laid out as a city, given up part to the United States, and subjected other parts to be sold to raise money as a donation to be employed according to the act of Congress for establishing the temporary and permanent seat of the Government of the United States, under and upon the terms and conditions contained in each of the said deeds; and many of the proprietors of lots in Carrollsburg and Hamburg have also come into an agreement, subjecting their lots to be laid out anew, giving up one-half of the quantity thereof to be sold, and the money thence arising to be applied as a donation as aforesaid, and they to be reinstated in one-half of the quantity of their lots in the new location, or otherwise compensated in land in a different situation within the city, by agreement between the Commissioners and them, and in case of disagreement, that then a just and full compensation shall be made in money; yet some of the proprietors in Carrollsburg and Hamburg, as well as some of the proprietors of other lands, have not, from imbecility and other causes, come into any agreement concerning their lands within the limits hereinafter mentioned, but a very great number of the landholders having agreed on the same terms, the President of the United States directed a city to be laid out comprehending all the lands beginning on the east side of Rock Creek, at a stone standing in the middle of the road leading from Georgetown to Bladensburgh; thence along the middle of the said road to a stone standing on the east side of the Reedy Branch of Goose Creek; thence southeasterly, making an angle of sixty-one degrees and twenty minutes with the meridian, to a stone standing in the road leading from Bladensburgh to the Eastern Branch ferry; then south to a stone eighty poles north of the east and west line already drawn from the mouth of Goose Creek to the Eastern Branch; then east, parallel to the said east and west line, to the Eastern Branch; then with the waters of the Eastern Branch, Potomac River, and Rock Creek to the beginning, which has since been called the City of Washington; and

Whereas it appears to this general assembly highly just and expedient that all the lands within the said city should contribute, in due proportion, in the means which have already greatly enhanced the value of the whole; that an incontrovertible title ought to be made to the purchasers, under public sanction; that allowing foreigners to hold land within the said territory will greatly contribute to the improvement and population thereof; and that many temporary provisions will be necessary till Congress exercise the jurisdiction and government over the said territory; and



Whereas in the cession of this State, heretofore made, of territory for the Government of the United States, the lines of such cession could not be particularly designated; and it being expedient and proper that the same should be recognized in the acts of this State —

2. *Be it enacted by the General Assembly of Maryland,* That all that part of the said territory called Columbia which lies within the limits of this State shall be, and the same is hereby, acknowledged to be forever ceded and relinquished to the Congress and Government of the United States, and full and absolute right and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States: *Provided,* That nothing herein contained shall be so construed to vest in the United States any right of property in the soil as to affect the rights of individuals therein, otherwise than the same shall or may be transferred by such individuals to the United States: *And provided also,* That the jurisdiction of the laws of this State over the persons and property of individuals residing within the limits of the cession aforesaid shall not cease or determine until Congress shall, by law, provide for the government thereof, under their jurisdiction, in manner provided by the article of the Constitution before recited.

3. *And be it enacted,* That all the lands belonging to minors, persons absent out of the State, married women, or persons non compos mentis, or the lands the property of this State, within the limits of Carrollsburg and Hamburg, shall be and are hereby subjected to the terms and conditions hereinbefore recited, as to the lots where the proprietors thereof have agreed concerning the same; and all the other lands, belonging as aforesaid, within the limits of the said city of Washington, shall be, and are hereby, subjected to the same terms and conditions as the said Notley Young, Daniel Carroll, of Duddington, and others, have by their said agreements and deeds, subjected their lands to, and where no conveyances have been made, the legal estate and trust are hereby invested in the said Thomas Beall, son of George, and John Mackall Gantt, in the same manner as if each proprietor had been competent to make, and had made a legal conveyance of his or her land, according to the form of those already mentioned, with proper acknowledgments of the execution thereof, and where necessary, of release of dower, and in every case where the proprietor is an infant, a married woman, insane, absent out of the State, or shall not attend on three months' advertisement of notice in the Maryland Journal and Baltimore Advertiser, the Maryland Herald, and in the Georgetown and Alexandria papers, so that allotment can not take place by agreement, the commissioners, aforesaid, or any two of them, may allot or assign the portion or share of such proprietor as near the old situation as may be, in Carrollsburg and Hamburg, and to the full value of what the party might claim under the terms before recited; and as to the other lands within the said city, the commissioners aforesaid, or any two of them, shall make such allotment and assignment, within the land belonging to the same person, in alternate lots, determined by lot or ballot, whether the party shall begin with the lowest

number: *Provided*, That in the cases of coverture and infancy, if the husband, guardian, or next friend will agree with the commissioners, or any two of them, then an effectual division may be made by consent; and in case of contrary claims, if the claimants will not jointly agree, the commissioners may proceed as if the proprietor was absent; and all persons to whom allotments and assignments of lands shall be made by the commissioners, or any two of them, on consent and agreement, or pursuant to this act without consent, shall hold the same in their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, and incumbrances as their former estate and interest, and in lieu of their former quantity, and subject in every respect to all such limitations, conditions, incumbrances as their former estates and interests were subject to, and as if the same had been actually reconveyed pursuant to the said deed in trust.

4. *And be it enacted*, That where the proprietor or proprietors, possessor or possessors, of any lands within the limits of the city of Washington, or within the limits of Carrollsburg or Hamburg, who have not already, or who shall not, within three months of this act, execute deeds in trust to the aforesaid Thomas Beall and John M. Gantt, of all their land within the limits of the said city of Washington, and on the terms and conditions mentioned in the deeds already executed by Notley Young and others, and execute deeds in trust to the said Thomas Beall and John M. Gantt of all their lots in the towns of Carrollsburg and Hamburg on the same terms and conditions contained in the deeds already executed by the greater part of the proprietors of lots in the said towns, the said commissioners, or any two of them, shall and may, at any time or times thereafter, issue a process, directed to the sheriff of Prince Georges County, commanding him, in the name of the State, to summon five good substantial freeholders, who are not of kin to any proprietor or proprietors of the lands aforesaid, and who are not proprietors themselves, to meet on a certain day, and at a certain place within the limits of the said city, to inquire of the value of the estate of such proprietor or proprietors, possessor or possessors, on which day and place the said sheriff shall attend, with the freeholders by him summoned, which freeholders shall take the following oath, or affirmation, on the land to be by them valued, to wit: "I, A. B., do solemnly swear (or affirm) that I will, to the best of my judgment, value the lands of C. D. now to be valued so as to do equal right and justice to the said C. D. and to the public, taking into consideration all circumstances," and shall then proceed to value the said lands; and such valuation, under their hands and seals and under the hand and seal of the said sheriff, shall be annexed to the said process and returned by the sheriff to the clerk appointed by virtue of this act, who shall make record of the same, and the said lands shall, on the payment of such valuation, be and is hereby vested in the said commissioners in trust, to be disposed of by them or otherwise employed to the use of the said city of Washington; and the sheriff aforesaid and freeholders aforesaid shall be allowed the same fees for their trouble as are allowed to a sheriff and juryman in executing a writ of inquiry; and in all cases where the proprietor or possessor is tenant in right of dower or by the courtesy the freeholders aforesaid shall ascertain the annual value of



the lands and the gross value of such estate therein, and upon paying such gross value or securing to the possessor the payment of the annual valuation, at the option of the proprietor or possessor, the commissioners shall be and are hereby vested with the whole estate of such tenant, in manner and for the uses and purposes aforesaid.

5. *And be it enacted*, That all the squares, lots, and parcels of land within the said city which have been or shall be appropriated for the use of the United States, and all the lots and parcels which have been or shall be sold to raise money as a donation as aforesaid shall remain and be to the purchasers, according to the terms and conditions of their respective purchase; and purchases and leases from private persons claiming to be proprietors, and having, or those under whom they claim having, been in the possession of the lands purchased or leased, in their own right, five whole years next before the passing of this act, shall be good and effectual for the estate, and on the terms and conditions of such purchases and leases, respectively, without impeachment, and against any contrary title now existing; but if any person hath made a conveyance, or shall make a conveyance or lease, of any lands within the said city, not having right and title to do so, the person who might be entitled to recover the land under a contrary title now existing may, either by way of ejectment against the tenant or in an action for money had and received for his use against the bargainer or lessor, his heirs, executors, administrators, or devisees, as the case may require, recover all money received by him for the squares, pieces, or parcels appropriated for the use of the United States, as well as for lots or parcels sold and rents received by the person not having title as aforesaid, with interest from the time of receipt; and, on such recovery in ejectment, where the land is in lease, the tenant shall thereafter hold under, and pay the rent reserved to, the person making title to and recovering the land; but the possession bona fide acquired in none of the said cases shall be changed.

6. *And be it enacted*, That any foreigner may, by deed or will hereafter to be made, take and hold lands within that part of the said territory which lies within this State in the same manner as if he were a citizen of this State; and the same lands may be conveyed by him, and transmitted to, and inherited by his heirs or relations, as if he and they were citizens of this State; provided that no foreigner shall, in virtue hereof, be entitled to any further or other privilege of a citizen.

7. *And be it enacted*, That the said commissioners, or any two of them, may appoint a clerk for recording deeds of land within the said territory, who shall provide a proper book for the purpose, and therein record, in a strong, legible hand, all deeds duly acknowledged, of lands in the said territory, delivered to him to be recorded, and in the same book make due entries of all divisions and allotments of lands and lots made by the commissioners in pursuance of this act, and certificates granted by them of sales, and the purchase money having been paid, with a proper alphabet in the same book of the deeds and entries aforesaid; and the same book shall carefully preserve and deliver over to the commissioners aforesaid, or their successors, or such

person or persons as Congress shall hereafter appoint, which clerk shall continue such during good behaviour, and shall be removable only on a conviction of misbehaviour in a court of law; but before he acts as such he shall take an oath or affirmation well and truly to execute his office, and he shall be entitled to the same fees as are or may be allowed to the clerks of the county courts for searches, copying, and recording.

8. *And be it enacted*, That acknowledgments of deeds made before a person in the manner and certified as the laws of this State direct or made before, and certified by, either of the commissioners shall be effectual; and that no deed hereafter to be made, of or for lands within that part have been acknowledged as aforesaid, and delivered to of the said territory which lies within this State, shall operate as a legal conveyance, nor shall any lease for more than seven years be effectual, unless the deed shall the said clerk to be recorded within six calendar months from the date thereof.

9. *And be it enacted*, That the commissioners aforesaid, or some two of them, shall direct an entry to be made in the said record book of every allotment and assignment to the respective proprietors in pursuance of this act.

10. And for the encouragement of master builders to undertake the building and finishing houses within the said city by securing to them a just and effectual remedy for their advances and earnings, *Be it enacted*, That for all sums due and owing on written contracts for the building any house in the said city, or the brickwork or carpenters' or joiners' work thereon, the undertaker or workmen employed by the person for whose use the house shall be built shall have a lien on the house and the ground on which the same is erected, as well as for the materials found by him: *Provided*, The said written contract shall have been acknowledged before one of the commissioners, a justice of the peace, or an alderman of the corporation of Georgetown and recorded in the office of the clerk for recording deeds, herein created, within six calendar months from the time of acknowledgment as aforesaid, and if within two years after the last of the work is done he proceeds in equity he shall have as upon a mortgage, or if he proceeds at law within the same time he may have execution against the house and land, in whose hands soever the same may be; but this remedy shall be considered as additional only, nor shall, as to the land, take place of any legal incumbrance made prior to the commencement of such claim.

11. *And be it enacted*, That the treasurer of the western shore be empowered and required to pay the seventy-two thousand dollars agreed to be advanced to the President by resolutions of the last sessions of assembly, in sums as the same may come to his hands on the appointed funds, without waiting for the day appointed for the payment thereof.

12. *And be it enacted*, That the Commissioners aforesaid for the time being, or any two of them, shall from time to time, until Congress shall exercise the jurisdiction and government within the said Territory, have power to license the building of wharves in the waters of the Potomac and the Eastern

Branch, adjoining the said city, of the materials, in the manner and of the extent they may judge durable, convenient, and agreeing with the general order; but no license shall be granted to one to build a wharf before the land of another, nor shall any wharf be built in the waters without license as aforesaid; and if any wharf shall be built without such license, or different therefrom, the same is hereby declared a common nuisance. They may also, from time to time, make regulations for the discharge and laying of ballast from ships or vessels lying in the Potomac River above the lower line of the said Territory and Georgetown, and from ships and vessels lying in the Eastern Branch. They may also, from time to time, make regulations for landing and laying materials for building the said city, for disposing and laying earth which may be dug out of the wells, cellars, and foundations and for ascertaining the thickness of the walls of houses, and to enforce the observance of all such regulations by appointing penalties for the breach of any one of them not exceeding ten pounds current money, which may be recovered in the name of the said commissioners, by warrant, before a justice of the peace, as in case of small debts, and disposed of as a donation for the purpose of the said act of Congress. And the said Commissioners, or any two of them, may grant licenses for retailing distilled spirits within the limits of the said city, and suspend or declare the same void. And if any person shall retail or sell any distilled spirits, mixed or unmixed, in less than ten gallons to the same person, or at the same time actually delivered, he or she shall forfeit for every such sale three pounds, to be recovered and applied as aforesaid.

13. *And be it enacted*, That an act of assembly of this State to condemn lands, if necessary, for the public buildings of the United States be, and is hereby, repealed.

## **MARYLAND ACT OF 1792 SUPPLEMENTARY TO ACT OF CESSION**

### **A Supplement to the Act Entitled “An Act Concerning the Territory of Columbia and the City of Washington”**

Whereas, doubts have arisen upon the act to which this is a supplement, whether it be essential to the validity of deeds and other conveyances of land in that part of the Territory of Columbia which lies within this state, that the same be recorded in the manner prescribed by the laws of this state before the passage of the said act; to remove which doubts —

2. *Be it enacted, by the General Assembly of Maryland*, That all deeds and other conveyances of land lying within the said territory, and recorded agreeably to the directions and provisions of the said act by the clerk appointed in the manner therein provided for the recording of deeds within the said territory, shall be as good, valid, and sufficient, in law, for the purposes of passing the estates therein mentioned, and for all other purposes, as if the same were also recorded in the manner prescribed by the laws of this state,



before the passage of the said act for the recording of deeds and other conveyances of land within this state.

## MARYLAND ACT OF 1793 SUPPLEMENTARY TO ACT OF CESSION

### A Further Supplement to the Act Concerning the Territory of Columbia and the City of Washington

*Be it enacted, by the General Assembly of Maryland,* That the certificates granted, or which may be granted, by the said commissioners, or any two of them, to purchasers of lots in the said city, with acknowledgment of the payment of the whole purchase money, and interest, if any shall have arisen thereon, and recorded agreeably to the directions of the act concerning the territory of Columbia and city of Washington, shall be sufficient and effectual to vest the legal estate in the purchasers, their heirs and assigns, according to the import of such certificates, without any deed or formal conveyance.

II. *And be it enacted,* That on sales of lots in the said city by the said commissioners, or any two of them, under terms or conditions of payment being therefor at any day or days after such contract entered into, if any sum of the purchase money or interest shall not be paid for the space of thirty days after the same ought to be paid, the commissioners, or any two of them, may sell the same lots at public vendue, in the city of Washington, at any time after sixty days notice of such sale, in some of the public newspapers of George-town and Baltimore-town, and retain in their hands sufficient of the money produced by such new sale to satisfy all principal and interest due on the first contract, together with the expenses of advertisements and sale, and the original purchaser, or his assigns, shall be entitled to receive from the said commissioners, at their treasury, on demand, the balance of the money which may have been actually received by them, or under their order, on the said second sale; and all lots, so sold, shall be freed and acquitted of all claim, legal and equitable, of the first purchaser, his heirs and assigns.

III. *And be it enacted,* That the commissioners aforesaid, or any two of them, may appoint a certain day for the allotment and assignment of one half of the quantity of each lot of ground in Carrollsburg and Hamburg, not before that time divided or assigned, pursuant to the said act concerning the territory of Columbia and the city of Washington, and on notice thereof in the Annapolis, some one of the Baltimore, the Eastern and Georgetown news-papers, for at least three weeks, the same commissioners may proceed to the allotment and assignment of ground within the said city, on the day appointed for that purpose, and therein proceed at convenient times till the whole be finished, as if the proprietors of such lots actually resided out of this state; provided, that if the proprietor of any such lot shall object in person, or by writing delivered to the commissioners, against their so proceeding as to his lot, before they shall



have made an assignment of ground for the same, then they shall forbear as to such lot, and may proceed according to the before-mentioned act.

IV. *And be it enacted*, That the said commissioners may make a seal of office of the clerk for recording deeds within the district of Columbia, which shall be kept by him; and that the like fees shall be paid for, and the like credit shall be given to, certificates under seal, as to the like acts under the seal of a county court, and the said clerk shall be entitled to demand and receive his fees when the services enjoined him by this act, and the act to which this is a further supplement, shall be performed.

## CONGRESSIONAL ACCEPTANCE OF CEDED TERRITORY

### An Act For Establishing the Temporary and Permanent Seat of the Government of the United States

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That a district of territory, not exceeding ten miles square, to be located as hereafter directed on the river Potomac, at some place between the mouths of the Eastern Branch and Connogochegue, be, and the same is hereby accepted for the permanent seat of the government of the United States. *Provided nevertheless*, That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide.

SEC. 2. *And be it further enacted*, That the President of the United States be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, three commissioners, who, or any two of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited and located, shall be deemed the district accepted by this act, for the permanent seat of the government of the United States.

SEC. 3. *And be it further enacted*, That the said commissioners, or any two of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the United States, and according to such plans as the President shall approve, the said commissioners, or any two of the, shall, prior to the first Monday in December, in the year one thousand eight hundred, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the United States.

SEC. 4. *And be it [further] enacted*, That for defraying the expense of such purchases and buildings, the President of the United States be authorized and requested to accept grants of money.

SEC. 5. *And be it [further] enacted*, That prior to the first Monday in December next, all offices attached to the seat of the government of the United States, shall be removed to, and until the said first Monday in December, in the year one thousand eight hundred, shall remain at the city of Philadelphia, in the state of Pennsylvania, at which place the session of Congress next ensuing the present shall be held.

SEC. 6. *And be it [further] enacted*, That on the said first Monday in December, in the year one thousand eight hundred, the seat of the government of the United States shall, by virtue of this act, be transferred to the district and place aforesaid. And all offices attached to the said seat of government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and that the necessary expense of such removal shall be defrayed out of the duties on imposts and tonnage, of which a sufficient sum is hereby appropriated.

**PROCLAMATION BY THE PRESIDENT  
RESPECTING A SURVEY, AND  
DEFINING THE LIMITS OF,  
THE DISTRICT OF  
COLUMBIA**

**A Proclamation**

WHEREAS the General Assembly of the State of Maryland, by an act passed on the twenty-third day of December, in the year one thousand seven hundred and eighty-eight, intitled "An act to cede to Congress a District of ten miles square in this State, for the seat of the government of the United States," did enact, that the Representatives of the said State, in the House of Representatives of the Congress of the United States, appointed to assemble at New York, on the first Wednesday of March then next ensuing, should be and they were thereby authorized and required on the behalf of the said State, to cede to the Congress of the United States, any District in the said State, not exceeding ten miles square, which the Congress might fix upon and accept for the seat of Government of the United States.

And the General Assembly of the Commonwealth of Virginia, by an act passed on the third day of December, one thousand seven hundred and eighty-nine, and intitled "An act for the cession of ten miles square, or any lesser quantity of territory within this State, to the United States in Congress assembled, for the permanent seat of the General Government," did enact that a tract of country not exceeding ten miles square, or any lesser quantity to be located within the limits of the said State, and in any part thereof, as Congress might by law direct, should be and the same was thereby forever ceded and relinquished to the Congress and Government of the United States, in full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the Constitution of Government of the United States.



ACTS RELATING TO ESTABLISHMENT OF DISTRICT

And the Congress of the United States, by their act passed the sixteenth day of July, one thousand seven hundred and ninety, and intituled "An act for establishing the temporary and permanent seat of the Government of the United States," authorized the President of the United States to appoint three commissioners to survey under his direction, and by proper metes and bounds to limit a district of territory, not exceeding ten miles square, on the River Potomac, at some place between the mouths of the Eastern Branch and Connogocheque, which District, so to be located and limited, was accepted by the said act of Congress, as the District for the permanent seat of the Government of the United States.

Now, therefore, in pursuance of the powers to me confided, and after duly examining and weighing the advantages and disadvantages of the several situations within the limits aforesaid, I do hereby declare and make known, that the location of one part of the said District of ten miles square, shall be found by running four lines of experiment in the following manner, that is to say, running from the Court-house of Alexandria in Virginia, due southwest half a mile, and thence a due southeast course, till it shall strike Hunting Creek, to fix the beginning of the said four lines of experiment:

Then beginning the first of the said four lines of experiment at the point on Hunting Creek, where the said southeast course shall have struck the same, and running the said first line due northwest ten miles; thence the second line into Maryland due northeast ten miles; thence the third line due southeast ten miles; and thence the fourth line due southwest ten miles, to the beginning on Hunting Creek.

And the said four lines of experiment being so run, I do hereby declare and make known, that all that part within the said four lines of experiment which shall be within the State of Maryland and above the Eastern Branch, and all that part within the same four lines of experiment which shall be within the Commonwealth of Virginia, and above a line to be run from the point of land forming the Upper Cape of the mouth of the Eastern Branch due southwest, and no more, is now fixed upon, and directed to be surveyed, defined, limited and located for a part of the said District accepted by the said act of Congress for the permanent seat of the Government of the United States; (hereby expressly reserving the direction of the survey and location of the remaining part of the said District, to be made hereafter contiguous to such part or parts of the present location as is or shall be agreeable to law.)

And I do accordingly direct the said commissioners, appointed agreeably to the tenor of the said act, to proceed forthwith to run the said lines of experiment, and the same being run, to survey, and by proper metes and bounds to define and limit the part within the same, which is hereinbefore directed for immediate location and acceptance; and thereof to make due report to me, under their hands and seals.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at the city of Philadelphia, the twenty-fourth day of January, in the year of our Lord one



thousand seven hundred and ninety-one, and of the independence of the United States the fifteenth.

[L.S.]

GEO. WASHINGTON.

By the President:

THOMAS JEFFERSON.

## **ACTS RELATIVE TO BOUNDARIES OF THE DISTRICT OF COLUMBIA**

### **An Act To Amend “An Act for Establishing the Temporary and Permanent Seat of the Government of the United States”**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That so much of the act, intituled “An act for establishing the temporary and permanent seat of the government of the United States,” as requires that the whole of the district of territory, not exceeding ten miles square, to be located on the river Potomac, for the permanent seat of the government of the United States, shall be located above the mouth of the Eastern Branch, be and is hereby repealed, and that it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory so to be included, shall form a part of the district not exceeding ten miles square, for the permanent seat of the government of the United States, in like manner and to all intents and purposes, as if the same had been within the purview of the above recited act: *Provided,* That nothing herein contained, shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potomac, as required by the aforesaid act.

## **PROCLAMATION FIXING BOUNDARIES OF THE DISTRICT OF COLUMBIA**

### **A Proclamation by the President of the United States**

Whereas, by a proclamation bearing date the twenty-fourth day of January of this present year, and in pursuance of certain acts of the States of Maryland and Virginia, and of the Congress of the United States therein mentioned, certain lines of experiment were directed to be run in the neighborhood of Georgetown, in Maryland, for the purpose of locating a part of the territory, of ten miles square, for the permanent seat of Government of the United States, and a certain part was directed to be located within the said lines of experiment on both sides of the Potomac, and above the limit of the Eastern Branch, prescribed by the said act of Congress;

And Congress, by an amendatory act, passed on the third day of this present month of March, have given further authority to the President of the United States "to make any part of the said territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch and of the lands lying on the lower side thereof, and also the town of Alexandria:

Now, therefore, for the purpose of amending and completing the location of the whole of the said territory, of ten miles square, in conformity with the said amendatory act of Congress, I do hereby declare and make known, that the whole of the said territory shall be located and included within the four lines following; that is to say:

Beginning at Jones's Point, being the upper cape of Hunting Creek, in Virginia, and at an angle in the outset of forty-five degrees west of the north, and running in a direct line ten miles, for the first line; then beginning again at the same Jones's Point and running another direct line, at a right angle with the first, across the Potomac, ten miles, for the second line; thence from the termination of the said first and second lines, running two other direct lines of ten miles each, the one crossing the Eastern Branch aforesaid, and the other the Potomac, and meeting each other in a point.

And I do accordingly direct the commissioners named under the authority of the said first-mentioned act of Congress to proceed forthwith to have the said four lines run, and by proper metes and bounds defined and limited; and thereof to make due report, under their hands and seals; and the territory so to be located, defined, and limited shall be, the whole territory accepted by the said act of Congress as the district for the permanent seat of the Government of the United States.

In testimony whereof, I have caused the seal of the United States to be affixed to these presents, and signed the same with my hand. Done at Georgetown aforesaid, the thirtieth day of March, in the year of our Lord seventeen hundred and ninety-one, and of the Independence of the United States the fifteenth.

[SEAL.]

GEORGE WASHINGTON.

By the President:

THOMAS JEFFERSON.

## ORGANIC ACT OF 1801

### An Act Concerning the District of Columbia

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the laws of the state of Virginia, as they now exist, shall be and continue in force in that part of the District of Columbia, which was ceded by the said state to the United States, and by them accepted for the permanent seat of government; and that the laws of the state of Maryland, as they now exist, shall be and continue in force in that part of the said district, which was ceded by that state to the United States, and by them accepted as aforesaid.

SEC. 2. *And be it further enacted,* That the said district of Columbia shall be formed into two counties; one county shall contain all that part of said district, which lies on the east side of the river Potomac, together with the islands therein, and shall be called the county of Washington; the other county shall contain all that part of said district, which lies on the west side of said river, and shall be called the county of Alexandria; and the said river in its whole course through said district shall be taken and deemed to all intents and purposes to be within both of said counties.

SEC. 3. *Be it further enacted,* That there shall be a court in said district, which shall be called the circuit court of the district of Columbia; and the said court and the judges thereof shall have all the powers by law vested in the circuit courts and the judges of the circuit courts of the United States. Said court shall consist of one chief judge and two assistant judges resident within said district, to hold their respective offices during good behaviour; any two of whom shall constitute a quorum; and each of the said judges shall, before he enter on his office, take the oath or affirmation provided by law to be taken by the judges of the circuit courts of the United States; and said court shall have power to appoint a clerk of the court in each of said counties, who shall take the oath and give a bond with sureties, in the manner directed for clerks of the district courts in the act to establish the judiciary of the United States.

SEC. 4. *Be it further enacted,* That said court shall, annually, hold four sessions in each of said counties, to commence as follows, to wit: for the county of Washington, at the city of Washington, on the fourth Mondays of March, June, September and December; for the county of Alexandria, at Alexandria, on the second Mondays of January, April, July, and the first Monday of October.

SEC. 5. *Be it further enacted,* That said court shall have cognizance of all crimes and offences committed within said district, and of all cases in law and equity between parties, both or either of which shall be resident or be found within said district, and also of all actions or suits of a civil nature at common law or in equity, in which the United States shall be plaintiffs of complainants; and of all seizures on land or water, and all penalties and forfeitures made, arising or accruing under the laws of the United States.

SEC. 6. *Provided, and be it further enacted,* That all local actions shall be commenced in their proper counties, and that no action or suit shall be brought before said court, by any original process against any person, who shall not be an inhabitant of, or found within said district, at the time of serving the writ.

SEC. 7. *Be it further enacted,* That there shall be a marshal for the said district, who shall have the custody of the gaols of said counties, and be accountable for the safe keeping of all prisoners legally committed therein; and he shall be appointed for the same term, shall take the same oath, give a bond with sureties in the same manner, shall have generally, within said district, the same powers, and perform the same duties, as is by law directed and provided in the case of marshals of the United States.

SEC. 8. *Be it further enacted,* That any final judgment, order or decree in said circuit court, wherein the matter in dispute, exclusive of costs, shall



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

exceed the value of one hundred dollars, may be re-examined and reversed or affirmed in the supreme court of the United States, by writ of error or appeal, which shall be prosecuted in the same manner, under the same regulations, and the same proceedings shall be had therein, as is or shall be provided in the case of writs of error on judgments, or appeals upon orders or decrees, rendered in the circuit court of the United States.

SEC. 9. *Be it further enacted*, That there shall be appointed an attorney of the United States for said district, who shall take the oath and perform all the duties required of the district attorneys of the United States; and the said attorney, marshal and clerks, shall be entitled to receive for their respective services, the same fees, perquisites and emoluments, which are by law allowed respectively to the attorney, marshal and clerk of the United States, for the district of Maryland.

SEC. 10. *Be it further enacted*, That the chief judge, to be appointed by virtue of this act, shall receive an annual salary of two thousand dollars, and the two assistant judges, of sixteen hundred dollars each, to be paid quarterly, at the treasury of the United States.

SEC. 11. *Be it further enacted*, That there shall be appointed in and for each of the said counties, such number of discreet persons to be justices of the peace, as the President of the United States shall from time to time think expedient, to continue in office five years; and such justices, having taken an oath for the faithful and impartial discharge of the duties of the office, shall, in all matters, civil and criminal, and in whatever relates to the conservation of the peace, have all the powers vested in, and shall perform all the duties required of, justices of the peace, as individual magistrates, by the laws herein before continued in force in those parts of said district, for which they shall have been respectively appointed; and they shall have cognizance in personal demands to the value of twenty dollars, exclusive of costs; which sum they shall not exceed, any law to the contrary notwithstanding; and they shall be entitled to receive for their services the fees allowed for like services by the laws herein before adopted and continued, in the eastern part of said district.

SEC. 12. *And be it further enacted*, That there shall be appointed in and for each of the said counties a register of wills, and a judge to be called the judge of the orphans' court, who shall each take an oath for the faithful and impartial discharge of the duties of his office; and shall have all the powers, perform all the duties, and receive the like fees, as are exercised, performed, and received, by the registers of wills and judges of the orphans' court, within the state of Maryland; and appeals from the said courts shall be to the circuit court of said district, who shall therein have all the powers of the chancellor of the said state.

SEC. 13. *And be it further enacted*, That in all cases where judgments or decrees have been obtained, or hereafter shall be obtained, on suits now depending in any of the courts of the commonwealth of Virginia, or of the state of Maryland, where the defendant resides or has property within the district of Columbia, it shall be lawful for the plaintiff in such case upon filing an

exemplification of the record and proceedings in such suits, with the clerk of the court of the county where the defendant resides, or his property may be found, to sue out writs of execution thereon, returnable to the said court, which shall be proceeded on, in the same manner as if the judgment or decree had originally been obtained in said court.

SEC. 14. *And be it further enacted*, That all actions, suits, process, pleadings, and other proceedings of what nature or kind soever, depending or existing in the courts of Hustings for the towns of Alexandria and Georgetown, shall be, and hereby are continued over to the circuit courts to be holden by virtue of this act, within the district of Columbia, in manner following; that is to say: all such as shall then be depending and undetermined, before the court of Hustings for the town of Alexandria, to the next circuit court hereby directed to be holden in the town of Alexandria; and all such as shall then be depending and undetermined, before the court of Hustings for Georgetown, to the next circuit court hereby directed to be holden in the city of Washington: *Provided nevertheless*, that where the personal demand in such cases, exclusive of costs, does not exceed the value of twenty dollars, the justices of the peace within their respective counties, shall have cognizance thereof.

SEC. 15. *And be it further enacted*, That all writs and processes whatsoever, which shall hereafter issue from the courts hereby established within the district, shall be tested in the name of the chief judge of the district of Columbia.

SEC. 16. *And be it further enacted*, That nothing in this act contained shall in any wise alter, impeach or impair the rights, granted by or derived from the acts of incorporation of Alexandria and Georgetown, or of any other body corporate or politic, within the said district, except so far as relates to the judicial powers of the corporations of Georgetown and Alexandria.

## ACT OF 1802 INCORPORATING THE CITY OF WASHINGTON

### An Act to Incorporate the Inhabitants of the City of Washington, in the District of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the inhabitants of the city of Washington be constituted a body politic and corporate, by the name of a mayor and council of the city of Washington, and by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same for the benefit of the said city; and may have and use a city seal, which may be broken or altered at pleasure; the city of Washington shall be divided into three divisions or wards, as now divided by the levy court for the county, for the purpose of assessment; but the number may be increased hereafter, as in the wisdom of the city council shall seem most conducive to the general interest and convenience.



SEC. 2. *And be it further enacted*, That the council of the city of Washington shall consist of twelve members, residents of the city, and upwards of twenty-five years of age, to be divided into two chambers, the first chamber to consist of seven members, and the second chamber of five members; the second chamber to be chosen from the whole number of councillors elected, by their joint ballot. The city council to be elected annually, by ballot, in a general ticket, by the free white male inhabitants of full age, who have resided twelve months in the city, and paid taxes therein the year preceding the election's being held: the justices of the county of Washington, resident in the city, or any three of them, to preside as judges of election, with such associates as the council may, from time to time, appoint.

SEC. 3. *And be it further enacted*, That the first election of members for the city council shall be held on the first Monday in June next, and in every year afterwards, at such place in each ward as the judges of the election may prescribe.

SEC. 4. *And be it further enacted*, That the polls shall be kept open from eight o'clock in the morning till seven o'clock in the evening, and no longer, for the reception of ballots. On the closing of the poll, the judges shall close and seal their ballot-boxes, and meet on the day following in the presence of the marshal of the district, on the first election, and the council afterwards, when the seals shall be broken, and the votes counted: within three days after such election, they shall give notice to the persons having the greatest number of legal votes, that they are duly elected, and shall make their return to the mayor of the city.

SEC. 5. *And be it further enacted*, That the mayor of the city shall be appointed, annually, by the President of the United States. He must be a citizen of the United States, and a resident of the city, prior to his appointment.

SEC. 6. *And be it further enacted*, That the city council shall hold their sessions in the city hall, or, until such building is erected, in such place as the mayor may provide for that purpose, on the second Monday in June, in every year; but the mayor may convene them oftener, if the public good require their deliberations. Three fourths of the members of each council may be a quorum to do business, but a smaller number may adjourn from day to day: they may compel the attendance of absent members, in such manner, and under such penalties, as they may, by ordinance, provide: they shall appoint their respective presidents, who shall preside during their sessions, and shall vote on all questions where there is an equal division; they shall settle their rules of proceedings, appoint their own officers, regulate their respective fees, and remove them at pleasure; they shall judge of the elections, returns and qualifications of their own members, and may, with the concurrence of three fourths of the whole, expel any member for disorderly behaviour, or misconduct in office, but not a second time for the same offence: they shall keep a journal of their proceedings, and enter the yeas and nays on any question, resolve or ordinance, at the request of any member, and their deliberations shall be public. The mayor shall appoint to all offices under the corporation. All



ordinances or acts passed by the city council shall be sent to the mayor, for his approbation, and when approved by him, shall then be obligatory as such. But if the said mayor shall not approve of such ordinance or act, he shall return the same within five days, with his reasons in writing therefor; and if three fourths of both branches of the city council, on reconsideration thereof, approve of the same, it shall be in force in like manner as if he had approved it, unless the city council, by their adjournment, prevent its return.

SEC. 7. *And be it further enacted*, That the corporation aforesaid shall have full power and authority to pass all by-laws and ordinances; to prevent and remove nuisances; to prevent the introduction of contagious diseases within the city; to establish night watches or patrols, and erect lamps; to regulate the stationing, anchorage, and mooring of vessels; to provide for licensing and regulating auctions, retailers of liquors, hackney carriages, wagons, carts and drays, and pawnbrokers within the city; to restrain or prohibit gambling, and to provide for licensing, regulating or restraining theatrical or other public amusements within the city; to regulate and establish markets; to erect and repair bridges; to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same, agreeably to the plan of the said city; to provide for the safe keeping of the standard of weights and measures fixed by Congress, and for the regulation of all weights and measures used in the city; to provide for the licensing and regulating the sweeping of chimneys and fixing the rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks that are to be made and used in the city; to sink wells, and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to lay and collect taxes; to enact by-laws for the prevention and extinguishment of fire; and to pass all ordinances necessary to give effect and operation to all the powers vested in the corporation of the city of Washington: *Provided*, that the by-laws or ordinance of the said corporation, shall be, in no wise, obligatory upon the persons of non-residents of the said city, unless in cases of intentional violation of by-laws or ordinances previously promulgated. All the fines, penalties and forfeitures, imposed by the corporation of the city of Washington, if not exceeding twenty dollars, shall be recovered before a single magistrate, as small debts are, by law, recoverable; and if such fines, penalties and forfeitures exceed the sum of twenty dollars, the same shall be recovered by action of debt in the district court of Columbia, for the county of Washington, in the name of the corporation, and for the use of the city of Washington.

SEC. 8. *And be it further enacted*, That the person or persons appointed to collect any tax imposed in virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the person chargeable therewith; no sale shall be made unless ten days previous notice thereof be given; no law shall be passed by the city council subjecting vacant or unimproved city lots, or parts of lots, to be sold for taxes.

SEC. 9. *And be it further enacted*, That the city council shall provide for the support of the poor, infirm and diseased of the city.

SEC. 10. *Provided always, and be it further enacted,* That no tax shall be imposed by the city council on real property in the said city, at any higher rate than three quarters of one per centum on the assessment valuation of such property.

SEC. 11. *And be it further enacted,* That this act shall be in force for two years, from the passing thereof, and from thence to the end of the next session of Congress thereafter, and no longer.

## **ACT OF 1812 AMENDING THE CHARTER OF WASHINGTON**

### **An Act Further to Amend the Charter of the City of Washington**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the first Monday of June next, the corporation of the city of Washington shall be composed of a mayor, a board of aldermen and a board of common council, to be elected by ballot, as herein after directed. The board of aldermen shall consist of eight members, to be elected for two years, two to be residents of and chosen from each ward by the qualified voters resident therein; and the board of common council shall consist of twelve members, to be elected for one year, three to be residents of and chosen from each ward in manner aforesaid: and each board shall meet at the council chamber on the second Monday in June next (for the despatch of business) at ten o'clock in the morning, and on the same day and at the same hour annually thereafter. A majority of each board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day. The board of aldermen, immediately after they shall have assembled in consequence of the first election shall divide themselves by lot into two classes; the seats of the first class shall be vacated at the expiration of one year, and the seats of the second class shall be vacated at the expiration of two years, so that one half may be chosen every year. Each board shall appoint its own president from among its own members, who shall preside during the sessions of the board, and shall have a casting vote on all questions where there is an equal division: *Provided,* such equality shall not have been occasioned by his previous vote.

SEC. 2. *And be it further enacted,* That no person shall be eligible to a seat in the board of aldermen or board of common council, unless he shall be more than twenty-five years of age, a free white male citizen of the United States and shall have been a resident of the city of Washington one whole year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and possessed of a freehold estate in the said city of Washington, and shall have been assessed two months preceding the day of election. And every free white male citizen of lawful age, who shall have resided in the city of Washington for the space of one year next preceding the day of election, and shall be a resident of the ward in which he



shall offer to vote, and who shall have been assessed on the books of the corporation not less than two months prior to the day of election, shall be qualified to vote for members to serve in the said board of aldermen and board of common council, and no other person whatever shall exercise the right of suffrage at such election.

SEC. 3. *And be it further enacted*, That the present mayor of the city of Washington shall be, and continue such until the second Monday in June next, on which day, and on the second Monday in June annually thereafter, the mayor of the said city shall be elected by ballot of the board of aldermen and board of common council in joint meeting, and a majority of the votes of all the members of both boards shall be necessary to a choice; and if there should be an equality of votes between two persons, after the third ballot, the two boards shall determine the choice by lot. He shall, before he enters upon the duties of this office, take an oath or affirmation, in the presence of both boards, "lawfully to execute the duties of his office to the best of his skill and judgment, without favour or partiality." He shall, ex-officio, have and exercise all the powers, authority and jurisdiction of a justice of the peace for the county of Washington, within the said county. He shall nominate, and, with the consent of a majority of the members of the board of aldermen, appoint to all offices under the corporation, (except the commissioners of election,) and any such officer shall be removed from office on the concurrent remonstrance of a majority of the two boards. He shall see that the laws of the corporation be duly executed, and shall report the negligence or misconduct of any officer to the two boards. He shall appoint proper persons to fill up all vacancies during the recess of the board of aldermen, to hold such appointment until the end of the then ensuing session. He shall have power to convene the two boards, when in his opinion the good of the community may require it; and he shall lay before them from time to time, in writing, such alterations in the laws of the corporation, as he shall deem necessary or proper, and shall receive for his services annually, a just and reasonable compensation, to be allowed and fixed by the two boards, which shall neither be increased nor diminished during the period for which he shall have been elected. Any person shall be eligible to the office of mayor, who is a free white male citizen of the United States, who shall have attained to the age of thirty years, and who shall be the bona fide owner of a freehold estate in the said city, and shall have been resident in the said city two years immediately preceding his election: and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of mayor upon his election thereto, or of his death, resignation, inability or removal from the city, the said two boards shall elect another in his place to serve the remainder of the year.

SEC. 4. *And be it further enacted*, That the first election for members of the board of aldermen and board of common council, shall be held on the first Monday in June next, and on the first Monday in June annually thereafter: the first election to be held by three commissioners, to be appointed in each ward by the mayor of the city, and at such place in each ward as he may direct; and all subsequent elections shall be held by a like number of commissioners, to be



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

appointed in each ward by the two boards in joint meeting, which several appointments, except the first, shall be at least ten days previous to the day of each election. And it shall be the duty of the mayor, for the first election, and of the commissioners for all subsequent elections, to give at least five days' previous public notice of the place in each ward where such elections are to be held. The said commissioners shall, before they receive any ballot, severally take the following oath or affirmation, to be administered by the mayor of the city or any justice of the peace for the county of Washington: "I, A. B., do solemnly swear, or affirm (as the case may be), that I will truly and faithfully receive and return the votes of such persons as are by law entitled to vote for members of the board of aldermen and board of common council in ward, No. ... according to the best of my judgment and understanding; and that I will not, knowingly, receive or return the vote of any person who is not legally entitled to the same, so help me God." The polls shall be opened at ten o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, the commissioners of each ward, or a majority of them, shall count the ballots and make out under their hands and seals a correct return of the two persons for the first election, and of the one person for all subsequent elections, having the greatest number of legal votes, together with the number of votes given to each, as members of the board of aldermen; and of the three persons having the greatest number of legal votes, together with the number of votes given to each, as members of the board of common council; and the two persons at the first election and the one person at all subsequent elections, having the greatest number of legal votes for the board of aldermen; and the three persons having the greatest number of legal votes for the board of common council, shall be duly elected; and in all cases of an equality of votes the commissioners shall decide by lot. The said returns shall be delivered to the mayor of the city on the succeeding day, we shall cause the same to be published in some newspaper printed in the city of Washington. A duplicate return, together with a list of the persons who voted at such election, shall also be made by the said commissioners to the register of the city, on the day succeeding the election, who shall preserve and record the same; and shall within two days thereafter notify the several persons so returned, of their election. And each board shall judge the legality of the elections, returns and qualifications of its own members; and shall supply vacancies in its own body, by causing elections to be made to fill the same in the ward and for the board in which such vacancies shall happen, giving at least five days' notice previous thereto; and each board shall have full power to pass all rules necessary and requisite to enable itself to come to a just decision in cases of a contested election of its members; and the several members of each board shall, before entering upon the duties of their office, take the following oath or affirmation: "I do swear, (or solemnly, sincerely and truly affirm and declare, as the case may be) that I will faithfully execute the office of ..... to the best of my knowledge and ability," which oath or affirmation shall be administered by the mayor or some justice of the peace for the county of Washington.

SEC. 5. *And be it further enacted*, That in addition to the powers heretofore

granted to the corporation of the city of Washington, by an act, entitled "An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," and an act, entitled "An act supplementary to an act, entitled An act to incorporate the inhabitants of the city of Washington, in the District of Columbia," the said corporation shall have power to lay taxes on particular wards, parts or sections of the city, for their particular local improvements; that after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein, and in no other, in regulating, filling up and repairing of streets and avenues, building of bridges, sinking of wells, erecting pumps and keeping them in repair; in conveying water in pipes, and in the preservation of springs; in erecting and repairing wharves; in providing fire engines and other apparatus for the extinction of fires; and for the other local improvements and purposes, in such manner as the said board of aldermen and board of common council shall provide; but the sums raised for the support of the poor, aged and infirm, shall be a charge on each ward in proportion to its population or taxation, as the two boards shall decide. That whenever the proprietors of two thirds of the inhabited houses, fronting on both sides of a street or part of a street, shall, by petition to the two branches, express their desire of improving the same by laying the curbstone of the foot pavement, and paving the gutters or carriage-way thereof, or otherwise improving said street agreeably to its graduation, the said corporation shall have power to cause to be done at any expense not exceeding two dollars and fifty cents per front foot, of the lots fronting on each improved street or part of a street, and charge the same to the owners of the lots fronting on said street or part of a street in due proportion; and also on a like petition, to provide for erecting lamps for lighting any street or part of a street, and to defray the expense thereof, by a tax on the proprietors or inhabitants of such houses, in proportion to their rental or valuation, as the two boards shall decide.

SEC. 6. *And be it further enacted*, That the said corporation shall have full power and authority to erect and establish hospitals or pest houses, work-houses, houses of correction, penitentiary and other public buildings, for the use of the city, and to lay and collect taxes for defraying the expenses thereof; to regulate party and other fences, and to determine by whom the same shall be made and kept in repair; to lay open streets, avenues, lanes and alleys, and to regulate or prohibit all enclosures thereof; and to occupy and improve for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces or squares in said city not interfering with any private rights; to regulate the measurement of, and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builder's work and materials, and also of wood, coals, grain and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six calendar months, for any one offence; and to punish such free negroes and mulattoes for such offences, by fixed penalties, not exceeding



twenty dollars for any one offence; and in case of the inability of any such free negro or mulatto to pay and satisfy any such penalty and cost thereon, to cause such free negro or mulatto to be confined to labour for such reasonable time, not exceeding six calendar months for any one offence, as may be deemed equivalent to such penalty and costs; to cause all vagrants, idle or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable cause of business or employment in the city; and all suspicious persons; and all who have no fixed place of residence, or cannot give a good account of themselves; all evesdroppers and night walkers; all who are guilty of open profanity or grossly indecent language or behaviour publicly in the streets; all public prostitutes and such as lead a notoriously lewd or lascivious course of life; and all such as keep public gaming tables or gaming houses, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support; and in case of their refusal or inability to give such security, to cause them to be confined to labour for a limited time, not exceeding one year at a time, unless such security should be sooner given; but if they shall afterwards be found again offending, such security may be again required, and for want thereof, the like proceedings may be again had, from time to time, as often as may be necessary; to prescribe the terms and conditions upon which free negroes, mulattoes and others, who can show no visible means of support, may reside in the city; to cause the avenues, streets, lanes and alleys to be kept clean, and to appoint officers for that purpose; to authorize the drawing of lotteries for effecting any important improvement in the city, which the ordinary funds or revenue thereof will not accomplish: *(a) Provided*, that the amount to be raised in each year, shall not exceed the sum of ten thousand dollars: *And provided also*, that the object for which the money is intended to be raised, shall be first submitted to the President of the United States, and shall be approved of by him; to take care of, preserve and regulate the several burying grounds within the city; to provide for registering of births, deaths and marriages; to cause abstracts or minutes of all transfers of real property, both freehold and leasehold, to be lodged in the registry of the city at stated periods; to authorize night watches and patrols, and the taking up, and confining by them in the night time of all suspected persons; to punish by law; corporeally, any servant or slave guilty of a breach of any of their by-laws or ordinances, unless the owner or holder of such servant or slave, shall pay the fine annexed to the offence; and to pass all laws which shall be deemed necessary and proper for carrying into execution the foregoing powers, and all other powers vested in the corporation or any of its officers, either by this act or any former act.

SEC. 7. *And be it further enacted*, That the marshal of the district of Columbia shall receive and safely keep within the jail for Washington county, at the expense of the city, all persons committed thereto under the sixth section of this act, until other arrangements be made by the corporation, for the confinement of offenders within the provisions of the said section. And in all



cases where suit shall be brought before a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any by-law or ordinance of the corporation, upon a return of nulla bona to any fieri facias issued against the property of the defendant or defendants, it shall be the duty of the clerk of the circuit court for the county of Washington, when required, to issue a writ of capias ad satisfaciendum against every such defendant, returnable to the next circuit court for the county of Washington, thereafter, and which shall be proceeded on as in other writs of the like kind.

SEC. 8. *And be it further enacted,* That unimproved lots in the city of Washington, on which two years' taxes remain due and unpaid, or so much thereof as may be necessary to pay such taxes, may be sold at public sale for such taxes due thereon: *Provided,* that public notice be given of the time and place of sale, by advertising in some newspaper printed in the city of Washington, at least six months, where the property belongs to persons residing out of the United States; three months, where the property belongs to persons residing in the United States, but without the limits of the district of Columbia; and six weeks, where the property belongs to persons residing within the district of Columbia or city of Washington; in which notice shall be stated, the number of the lot or lots, the number of the square or squares, the name of the person or persons to whom the same may have been assessed; and also the amount of taxes due thereon: *And provided also,* that the purchaser shall not be obliged to pay at the time of such sale, more than the taxes due, and the expenses of sale; and that if within two years from the day of such sale the proprietor or proprietors of such lot or lots, or his or their heirs, representatives or agents, shall repay to such purchaser the monies paid for the taxes and expenses as aforesaid, together with ten per centum per annum as interest thereon, or make a tender of the same, he shall be reinstated in his original right and title; but if no such payment or tender be made within two years next after the said sale, then the purchaser shall pay the balance of the purchase money of such lot or lots, into the city treasury, where it shall remain subject to the order of the original proprietor or proprietors, his or their heirs or legal representatives; and the purchaser shall receive a title in fee simple to the said lot or lots, under the hand of the mayor and seal of the corporation, which shall be deemed good and valid in law and equity.

SEC. 9. *And be it further enacted,* That the said corporation shall in future be named and styled "The Mayor, Aldermen and Common Council of the City of Washington;" and that if there shall have been a non-election or informality in the election of a city council on the first Monday in June last, it shall not be taken, construed or adjudged, in any manner, to have operated as a dissolution of the said corporation, or to affect any of its rights, privileges or laws, passed previous to the second Monday in June last, but the same are hereby declared to exist in full force.

SEC. 10. *And be it further enacted,* That the corporation shall, from time to time, cause the several wards of the city to be so located as to give, as nearly as may be, an equal number of voters to each ward: and it shall be the duty of the register of the city, or such officer as the corporation may hereafter appoint,

to furnish the commissioners of election, for each ward, on the first Monday in June annually, previous to the opening of the polls, a list of the persons having a right to vote, agreeably to the provisions of the second section of this act.

SEC. 11. *And be it further enacted*, That so much of any former act, as shall be repugnant to the provisions of this act, be, and the same is hereby repealed.

## **ACT OF 1812 RELATIVE TO LEVY COURT FOR COUNTY OF WASHINGTON**

### **An Act Conferring Certain Powers on the Levy Court For the County of Washington, in the District of Columbia**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the board of commissioners or levy court for the county of Washington, in the district of Columbia, be, and hereby are empowered to erect and maintain a penitentiary, to be erected in such place as the mayor, aldermen and common council of the city of Washington shall designate.

SEC. 2. *And be it further enacted*, That the board of commissioners or levy court for the said county be vested with full power to lay out, straighten and repair public roads within the said county, except within the corporate limits of the city of Washington and Georgetown, under the conditions herein after prescribed.

SEC. 3. *And be it further enacted*, That the said board or levy court be empowered to lay out and mark roads through any such part of the said county: *Provided*, they shall not exceed one hundred feet in width, and shall not pass through any building, garden or yard, without the consent of the owner; and a reasonable compensation, if required by the owner, shall be made for the land thus marked and laid out, which shall be fixed in the following manner: On laying out and marking any road, six weeks' notice thereof shall be given in some public print, published in the county. In case any owner of land, through which the said road passes, shall require compensation therefor, he shall within two weeks thereafter apply to the levy court, who may agree with him for the purchase thereof; and in case of disagreement, or in case the owner shall be a feme covert, under age, or non compos, or out of the county, on application to any justice of the county, to be made within two weeks after expiration of the aforesaid two weeks, the said justice shall issue his warrant, under his hand, to the marshal of the district of Columbia, commissioning him to summon twelve freeholders, inhabitants of the county, not related to the said owner, nor in any manner interested, to meet on the land to be valued at a day to be expressed in the warrant, of which ten days' notice shall be given by the marshal to the levy court, and to the owner of the said land, or left at his, or her place of abode, or given to his or her guardian, if an infant, or if out of the county, by publishing notice thereof, for six weeks in some public print of the



county; and the marshal, on receiving the said warrant, shall summon the said jury, and when met, shall administer an oath or affirmation to every jurymen, who shall swear or affirm, as the case may be, that he will justly, faithfully, and impartially, value the land, and all damages the owner thereto will sustain by the road passing through the same, having regard to all circumstances of convenience, benefit or disadvantage according to the best of his skill and judgment; and the inquisition thereupon taken shall be signed by the marshal and seven or more of the said jury, and shall be conclusive; and the same shall be returned to the clerk of the county, to be by him recorded at the expense of the levy court; and the valuation expressed in such inquisition shall be paid by the said levy court to the owner of the land, or his legal representative, before the levy court proceed to open the said road: In case no such application shall be made within the aforesaid periods, the land thus appropriated shall be adjudged to be conclusively condemned, and no compensation be hereafter required therefor.

SEC. 4. *And be it further enacted*, That the board of commissioners or levy court, as soon as they shall have laid out, marked and opened a road, and complied with the foregoing provisions shall return to courses, bounds and plat thereof to the clerk of the county, to be by him recorded at the expense of the said court; and the said road, so laid out and returned, as aforesaid, shall be thereafter taken, held and adjudged, a public road and common highway.

SEC. 5. *And be it further enacted*, That in all cases, where stone, gravel or other material, shall be necessary for making or repairing a road, the levy court may agree with the owner for the purchase thereof, or with the owner of the land on which the same may be, for the purchase of the said land; and in case of disagreement, or in case the owner should be a feme covert, under age, or non compos, or out of the county, on application to a justice of the county, may proceed, in all respects, in the same manner for condemning the said materials for the use of said road, as in like cases where lands are directed to be taken and condemned as aforesaid, for making the said road: and the said parties respectively, shall have the same benefit and advantage of the said proceedings as they have under, and in virtue of the said provision for condemning land herein before mentioned.

SEC. 6. *And be it further enacted*, That if a road shall be carried through any fields of ground in actual cultivation, such fields shall not be laid open, or used as a public road, until after the usual time of taking off crops then growing thereon.

SEC. 7. *And be it further enacted*, That if any person shall alter or change, or in any manner obstruct or encroach on a public road, or cut, destroy, deface or remove any mile stones set up on said road, or put or place any rubbish, dirt, logs, or make any pit or hole therein, such person may be indicted in the circuit court for the district of Columbia, and being convicted thereof shall be fined or imprisoned in the discretion of the court, according to the nature of the offence.

SEC. 8. *And be it further enacted*, That the board of commissioners or levy court may, for the aforesaid and all other general county purposes, annually



lay a tax on all the real and personal property in the said county, except within the limits of the city of Washington, any existing law to the contrary notwithstanding, not exceeding twenty-five cents in the hundred dollars value of said property, for the collection, safe keeping and disbursement of which they are hereby empowered to appoint the necessary officers, and to use all the means now in force and necessary for the assessment and collection of taxes in the said county, and to insure a due and regular accountability for the same, and all existing laws, so far as they vest in the said levy court a power to lay taxes, shall be, and the same are hereby repealed.

SEC. 9. *And be it further enacted*, That the board of commissioners or levy court shall be, and hereby are released from any obligation to provide for the support of the poor of any other part of the county of Washington, other than that part without the limits or the city of Washington, to provide for whom they are hereby authorized to lay and collect a special tax, to be imposed on said part of the county.

SEC. 10. *And be it further enacted*, That the board of commissioners or levy court of the county of Washington shall be hereafter composed of seven members, to be designated immediately after the passing of this act, by the President of the United States, from among the existing magistrates of the county, and annually afterwards on the first Monday in May, that is to say, there shall be two members designated from among the magistrates residing in that part of the county lying eastward of Rock creek, and without the limits of the city of Washington; two from among the magistrates residing in that part of the county lying westward of Rock creek, and without the limits of Georgetown; and three from among the magistrates residing within the limits of Georgetown. A majority of the members so designated shall constitute a quorum to do business.

SEC. 11. *And be it further enacted*, That the general county expenses and charges, other than for the expenses of roads and bridges out of the limits of Washington and Georgetown, respectively, shall be borne and defrayed by the said city of Washington, and the other parts of the county equally, that is to say; one moiety of said expenses and charges shall be borne by the city, and paid over to whomsoever the board of commissioners or levy court may appoint as treasurer of the court; and the other moiety, by the other parts of the county: which said general expenses shall be ascertained annually by the said board of commissioners or levy court and the corporation of the said city. And in case of any difference of opinion as to what are or may be properly called general expenses, and applicable to the whole county, agreeably to the provisions of this and other acts relating to the subject, it shall be the duty of the circuit court for the said county, upon joint application, or upon the application of either party, and due notice to the other party; to inquire, determine and settle in a summary way the matter in difference.

SEC. 12. *And be it further enacted*, That the two bridges over Rock creek, immediately between the city of Washington and Georgetown, shall be kept in

repair and rebuilt, in like manner as at present, at the joint expense and cost of the said city and Georgetown; and the sums required for such repairs or rebuildings shall from time to time be ascertained by the said board of commissioners or levy court for the county, and the amount required from each corporation shall be paid over, after sixty days' notice, to the treasurer of the county.

SEC. 13. *And be it further enacted,* That it shall and may be lawful at any time hereafter for the corporation of the city of Washington, and the corporation of Georgetown, jointly or separately, and at their joint or separate expense, as the case may be, to erect a permanent bridge across Rock creek, and between the two places, at such sites as the corporation first choosing to build shall determine and fix upon; and if it should be necessary to obtain private property on which to fix either or both the abutments of the said permanent bridge or bridges, or for other purposes connected with the work, the said corporation so choosing to build shall have power to agree with the owner or owners for the purchase of such property; and in case of disagreement, or in case the owner shall be a feme covert, under age or non compos, or out of the county, the mayor of the said corporation shall thereupon summon a jury to be composed of twelve freeholders, inhabitants of the said county, not related to the said owner, nor in any manner interested, who shall meet on the ground to be valued, at a day to be expressed by the mayor in the said summons, of which ten days' notice shall be given by the mayor to the owner or owners of the said ground, or left at his, her or their place of abode, or given to his, her or their guardian, if an infant, or if out of the county, by publishing notice thereof for six weeks in some newspaper printed in the county, and when the jury shall have met pursuant to the aforesaid summons, each juryman shall swear of affirm, that he will justly, faithfully and impartially value all the ground held as private property and intended and required to be used or occupied by reason of the contemplated erection of the permanent bridge, and the amount of damages the proprietor or proprietors of said ground will sustain (taking into view at the same time the benefits which the said proprietor or proprietors will derive from the erection of the said bridge) according to the best of his skill and judgment. And the inquisition and valuation thereupon taken, shall be signed by the mayor and seven or more of the said jury, and shall be binding and conclusive upon all parties concerned; and the same shall be transmitted to the clerk of the county, to be by him recorded: and the valuation expressed in the aforesaid inquisition shall be paid or tendered to the owner or owners of the ground so condemned, or his or their legal representatives, by the corporation intending to build such bridge, within thirty days after such valuation shall have been made, and before any work is commenced on the grounds so valued.



## ACT OF 1820 REORGANIZING THE GOVERNMENT OF THE CITY OF WASHINGTON

### **An Act to Incorporate the Inhabitants of the City of Washington, and to Repeal All Acts Heretofore Passed for That Purpose**

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the act, entitled “An act to incorporate the inhabitants of the city of Washington, in the District of Columbia,” and the act supplementary to the same, passed on the twenty-fourth of February, in the year one thousand eight hundred and four, and the act, entitled “An act further to amend the charter of the city of Washington,” and all other acts, or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed: *Provided, however,* That the mayor, the members of the board of aldermen, and the members of the board of common council, of the corporation of the said city, shall and may remain and continue as such, for and during the terms for which they have been respectively appointed, subject to the terms and conditions in such cases legally made and provided; and all acts or things done, or which may be done, by them in pursuance of the provisions, or by virtue of the authority, of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid, and of as full force and effect as if the said acts had not been repealed.

SEC. 2. *And be it further enacted,* That the inhabitants of the city of Washington shall continue to be a body politic and corporate, by the name of the “Mayor, board of aldermen, and board of common council, of the city of Washington,” to be elected by ballot, as hereinafter directed, and, by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts, as natural persons; and may purchase and hold real, personal, and mixed, property, or dispose of the same, for the benefit of the city; and may have and use a city seal, and break and alter the same at pleasure.

SEC. 3. *And be it further enacted,* That the mayor of the said city shall be elected on the first Monday in June next, and on the same day in every second year thereafter, at the same time and place, in the same manner, and by the persons qualified to vote for members of the board of aldermen and the board of common council. That the commissioners hereinafter mentioned shall make out duplicate certificates of the result of the election of mayor; and shall return one to the board of aldermen and the other to the board of common council, on the Monday next ensuing the election; and the person having the greatest number of votes shall be the mayor: but in case two or more persons, highest in vote, shall have an equal number of votes, then it shall be lawful for the board of aldermen and the board of common council to proceed forthwith, by ballot, in joint meeting, or determine the choice between such persons. The mayor shall, on the Monday next ensuing his election, before he enters on the duties of his office, in the presence of the boards of aldermen and common



council, in joint meeting, take an oath, to be administered by a justice of the peace, "lawfully to execute the duties of his office, to the best of his skill and judgment, without favour or partiality." He shall, ex officio, have and exercise all the powers, authority, and jurisdiction, of a justice of the peace for the county of Washington, within the said county. He shall nominate, and with the consent of the board of aldermen, appoint to all offices under the corporation, (except commissioners of election,) and may remove any such officer from office at his will and pleasure. He shall appoint persons to fill up all vacancies which may occur during the recess of the board of aldermen, to hold such appointments until the end of the then ensuing session. He may convene the two boards when, in his opinion, the public good may require it; and he shall lay before them, from time to time, in writing, such alterations in the laws of the corporation as he may deem necessary and proper; and he shall receive, for his services, annually a just and reasonable compensation, to be allowed and fixed by the two boards, which shall neither be increased nor diminished during his continuance in office. Any person shall be eligible to the office of mayor who is a free white male citizen of the United States, who shall have attained to the age of thirty years, who shall have resided in the said city for two years immediately preceding his election, and who shall be the bona fide owner of a freehold estate in the said city; and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of mayor, upon his election thereto, or of his death, resignation, inability, or removal from the city, the said boards shall assemble and elect another in his place, to serve for the remainder of the term, or during such inability.

SEC. 4. *And be it further enacted*, That the board of aldermen shall consist of two members to be residents in, and chosen from, each ward, by the qualified voters therein, and to be elected for two years, from the Monday next ensuing their election: and the board of common council shall consist of three members, to be residents in, and chosen from, each ward, by the qualified voters therein, and to be elected for one year, from the Monday next ensuing their election; and each board shall meet at the council chamber, on the second Monday in June next, for the despatch of business, at ten o'clock in the morning, and at the same hour on the second Monday in June, in every year thereafter; and at such other times as the two boards may, by law, direct. A majority of each board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day; they may compel the attendance of absent members, in such manner, and under such penalties, and allow such compensation for the attendance of the members, as they may, by law, provide; each board shall appoint its own President, who shall preside during its sessions, and who shall be entitled to vote on all questions; they shall settle their rules of proceedings, appoint their own officers, regulate their respective compensations, and remove them at pleasure; and may, with the concurrence of three-fourths of the whole, expel any member for disorderly behaviour or misconduct in office, but not a second time for the same offence; each board shall keep a journal of its proceedings, and the yeas and nays shall be entered thereon, at the request of any member; and their deliberations shall be public. All ordinances or acts,

passed by the two boards, shall be sent to the mayor for his approbation, and, when approved by him, shall be obligatory as such. But, if the mayor shall not approve of any ordinance or act, so sent to him, he shall return the same, within five days, with his reasons in writing therefor; and if two thirds of both boards, on reconsideration thereof, agree to pass the same, it shall be in force, in like manner as if he had approved it; but, if the two boards shall, by their adjournment, prevent its return, the same shall not be obligatory.

SEC. 5. *And be it further enacted*, That no person shall be eligible to a seat in the board of aldermen, or board of common council, unless he shall be more than twenty-five years of age, a free white male citizen of the United States, and shall have been a resident of the city of Washington for one year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and be then the bona fide owner of a freehold estate in the said city, and shall have been assessed on the books of the corporation, for the year ending on the thirty-first day of December next preceding the day of election. And every free white male citizen of the United States, of lawful age, who shall have resided in the city of Washington for one year next preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and who shall have been assessed on the books of the corporation, for the year ending on the thirty-first day of December next preceding the day of election, and who shall have paid all taxes legally assessed and due on personal property, when legally required to pay the same, and no other person shall be entitled to vote at any election for members of the two boards. And it shall be the duty of the register of the city, or such officer as the corporation may hereafter direct, to furnish the commissioners of election in each ward, previous to opening the polls at every election, a list of the persons having a right to vote, agreeably to the provisions of this section.

SEC. 6. *And be it further enacted*, That an election for members of the board of aldermen and board of common council shall be held on the first Monday of June next, and on the first Monday in June annually thereafter; and all elections shall be held by three commissioners to be appointed in each ward by the two boards in joint meeting, which appointment shall be at least ten days previous to the day of each election. And it shall be the duty of the commissioners so appointed, to give at least five days' previous notice of the place in each ward where such elections are to be held. The said commissioners shall, before they receive any ballot, severally take an oath or affirmation, to be administered by some justice of the peace for the county of Washington, "truly and faithfully to receive and return the votes of such persons as are by law entitled to vote for members of the board of aldermen and board of common council, in their respective wards, according to the best of their judgment and understanding; and not knowingly to receive or return the vote of any person who is not legally entitled to the same." The polls shall be open at ten o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, the said commissioners for each ward, or a majority of them, shall count the ballots, and make out, under their hands and seals, a correct return of the persons having the greatest number of legal votes



for members of the board of aldermen and for members of the board of common council, respectively, together with the number of votes given to each person voted for; and the persons having the greatest number of votes for the two boards, respectively, shall be duly elected; and, in all cases of an equality of votes, the commissioners shall decide the choice by lot. The said returns shall be delivered to the mayor, on the day succeeding the election, who shall cause the result of the election to be published in some newspaper printed in the city of Washington; a duplicate return shall, together with a list of the persons who voted at such election, also to be made, on the day succeeding the election, to the register of the city, who shall preserve and record the same; and shall, within two days thereafter, notify the several persons, so returned, of their election. And each board shall judge of the legality of the elections, returns, and qualifications of its own members, and shall supply vacancies in its own body, by causing elections to be held to fill the same, and appoint commissioners to hold the same, and such commissioners shall give at least five days' public notice of the time and place of holding such elections; each of the members of either board, shall, before entering on the duties of his office, take an oath or affirmation, "faithfully to execute the duties of his office, to the best of his knowledge and ability;" which oath or affirmation shall be administered by the mayor or some justice of the peace for the county of Washington.

SEC. 7. *And be it further enacted,* That the corporation aforesaid shall have full power and authority to lay and collect taxes upon the real and personal property within the said city; provided that no tax shall be laid upon real property, at a higher rate than three quarters of one per centum on the assessment valuation thereof, except for the special purposes hereinafter provided; and that no tax shall be laid upon the wearing apparel, or necessary tools and implements used in carrying on the trade or occupation, of any person; nor shall the same be subject to distress and sale for any tax; and, after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein, and in no other; to establish a board of health, with competent authority to enforce its regulations, and to establish such other regulations as may be necessary to prevent the introduction of contagious diseases, and for the preservation of the health of the city; to prevent and remove nuisances; to establish night watches or patrols, and erect lamps in the streets; to preserve the navigation of the Potomac and Anacostia rivers adjoining the city; to erect, repair, and regulate, public wharves, and to deepen creeks, docks, and basins; to regulate the manner of erecting, and the rates of wharfage, at private wharves; to regulate the stationing, anchorage, and mooring of vessels; to provide for licensing, taxing, and regulation, auctions, retailers, ordinaries, and taverns, hackney carriages, wagons, carts, and drays, pawn-brokers, venders of lottery tickets, money-changers, and hawkers and pedlars; to provide for licensing, taxing, regulating, or restraining, theatrical or public shows and amusements; to restrain or prohibit tippling houses, lotteries, and all kinds of gaming; to regulate and establish markets; to erect and repair bridges; to open and keep in repair streets, avenues, lanes, alleys, drains, and sewers, agreeably to the plan of the city, to



supply the city with water; to provide for the safe-keeping of the standard weights and measures as fixed by Congress, and for the regulation of all weights and measures used in the city; to regulate the sweeping of chimneys, and fix the rates or fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made or used; and to provide for the inspection of lumber and other building materials to be sold in the city; to regulate, with the approbation of the President of the United States, the manner of erecting, and the materials to be used in the erection, of houses; to regulate the inspection of tobacco, flour, butter, and lard, in casks or boxes, and salted provisions; to regulate the gauging of casks and liquors; the storage of gunpowder, and all naval and military stores, not the property of the United States; and the weight and quality of bread; to impose and appropriate fines, penalties, and forfeitures, for the breach of their laws or ordinances; and to provide for the appointment of inspectors, constables, and such other officers, as may be necessary to execute the laws of the corporation.

SEC. 8. *And be it further enacted*, That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections, of the city, for their particular local improvements; and, upon application of the owners of more than one half of the property upon any portion of a street, to cause the curb-stones to be set, and the footways to be paved, on such portion of a street, and to lay a tax on such property, to the amount of the expense thereof: *Provided*, That such tax shall not exceed three dollars per front foot; and, upon a like application to cause the carriage-way of any portion of a street to be paved, or lamps to be erected therein, and light the same, and lay a tax, not exceeding the whole expense thereof, in due proportion, on the lots fronting on such portion of a street; and, also, to impose an addition or interest on the amounts of any such taxes, not exceeding ten per centum per annum, when the same shall not have been paid within thirty days after the same shall become due. The said corporation shall also have power and authority to provide for the establishment and superintendence of public shools, and to endow the same; to establish and erect hospitals or pest-houses, watch and workhouses, houses of correction, penitentiary, and other public buildings, and to lay and collect taxes for the expenses thereof; to regulate party or other walls and fences, and to determine by whom the same shall be kept in repair; to cause new alleys to be opened through the squares, and to extend those already laid out, upon the application of the owners of more than one half the property in such squares: *Provided*, That the damages which may accrue thereby, to any individual or individuals, shall be first ascertained by a jury, to be summoned and impannelled by the marshal of the District of Columbia, (and it is hereby made his duty to summon and impannel the same, in all such cases, upon application to him in writing by the mayor of the city,) and such damages to be paid by the corporation; the amount thereof, and the expenses accruing, shall be levied, in due proportion, upon the individuals whose property on such squares shall be benefited thereby, and collected as other taxes are; to occupy and improve, for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces and squares in said

city, not interfering with any private rights; to regulate the admeasurement and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builders' work and materials, and also of wood, coal, grain, and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes, and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six months, for any one offense; and to punish such free negroes and mulattoes, by penalties, not exceeding twenty dollars for any one offense; and in case of the inability of any such free negro or mulatto to pay and such penalty and cost thereon, to cause him or her to be confined to labour for any time not exceeding six calendar months; to cause all vagrants, idle or disorderly persons, all persons of evil life or ill-fame, and all such as have no visible means of support, or are likely to become chargeable to the corporations as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable cause of business or employment in the city, and all suspicious persons who have no fixed place of residence, or who cannot give a good account of themselves; all evesdroppers and nightwalkers; all who shall be guilty of open profanity, or grossly indecent language or behaviour publicly in the streets; all public prostitutes, and such as lead a notoriously lewd or lascivious course of life, and all such as keep public gaming tables, or gaming houses, to give security for their good behaviour for a reasonable time, and to indemnify the city against any charge for their support; and, in case of their refusal or inability to give such security, to cause them to be confined to labour until such security shall be given, not exceeding, however, one year at a time; but if they shall be found again offending, the like proceedings may be again had, and from time to time, as often as may be necessary to enforce the departure of such vagrants and paupers as may come into the city to reside, unless they shall give ample security that they will not become chargeable on the corporation for their support; to provide for the binding out as apprentices of poor orphan children, and the children of drunkards, vagrants, and paupers; to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city; to authorize, with the approbation of the President of the United States, the drawing of lotteries for the erection of bridges and effecting any important improvements in the city, which the ordinary revenue thereof will not accomplish, for the term of ten years: *Provided*, that the amount so authorized to be raised in each year shall not exceed the sum of ten thousand dollars, clear of expenses; to take care of and regulate burial grounds; to provide for the registering of births, deaths, and marriages; to punish corporeally any coloured servant or slave for a breach of any of their laws or ordinances, unless the owner or holder of such servant or slave shall pay the fine in such cases provided; and to pass all laws which shall be deemed necessary and proper for carrying into execution the powers vested by this act in the said corporation or its officers.

SEC. 9. *And be it further enacted*, That the marshal of the District of Columbia shall receive and safely keep within the jail for the county of



Washington, at the expense of the said corporation, all persons committed thereto under or by authority of the provisions of this act. And in all cases where suit shall be brought before a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any law or ordinance of the corporation, execution shall and may be issued, as in all other cases of small debts.

SEC. 10. *And be it further enacted*, That real property, whether improved or unimproved, in the city of Washington, on which two or more years' taxes shall have remained due and unpaid, or on which any special tax, imposed by virtue of authority of the provisions of this act, shall have remained unpaid for two or more years after the same shall have become due, or so much thereof, not less than a lot, (when the property upon which the tax has accrued is not less than that quantity,) as may be necessary to pay any such taxes, with all legal costs and charges arising thereon, may be sold at public sale to satisfy the corporation therefor: *Provided*, That public notice be given of the time and place of sale, by advertising once a week in some newspaper printed in the city of Washington, for at least six months, where the property is assessed to persons residing out of the United States; for three months, where the property is assessed to persons residing in the United States, but without the District of Columbia; and for six weeks, where the property is assessed to persons residing within the District of Columbia; in which advertisement shall be stated the number of the lot or lots, (if the square has been divided into lots,) the number of the square or squares, or other sufficient or definite description of the property selected for sale, the name of the person or persons to whom the same may have been assessed, for the respective years' taxes due thereon, as also the name of the person to whom the same is assessed, and the aggregate amount of taxes due. The purchaser or purchasers of any such property shall pay, at the time of such sale, the amount of the taxes due on the property so purchased by him, her, or them, respectively, with the amount of the expenses of sale; and he, she, or they, shall pay the residue of the purchase money within ten days after the expiration of two years from the day of sale, to the collector of taxes, or other officer of the corporation authorized to receive the same; and the amount of such residue shall be placed in the city treasury, where it shall remain, subject to the order of the original proprietor or proprietors, his, her, or their, legal representatives; and the purchaser or purchasers shall receive a title in fee simple, in and to the lot or lots so sold and purchased, under the hand of the mayor and seal of the corporation, which shall be deemed good and valid in law and equity: *Provided nevertheless*, That if, within two years from the day of any such sale, or before such purchaser or purchasers shall have paid the residue of the purchase money as aforesaid, the proprietor or proprietors of any property which shall have been sold as aforesaid, his, her, or their heirs, agents, or legal representatives, shall repay to such purchaser or purchasers the moneys paid for the taxes, and expenses as aforesaid, together with ten per centum per annum, as interest thereon, or make a tender thereof, or shall deposit the same in the hands of the mayor of the city, or other officer of the corporation appointed to receive the same, for the use of such purchaser



or purchasers, and subject to his, her, or their, heirs, or legal representatives' order, of which such purchaser, his heirs or legal representatives, shall be immediately informed, by notice in some newspaper printed in the city of Washington, or otherwise; he, she, or they, shall be reinstated in his, her, or their, original right and title, as if no such sale had been made. And if any such purchaser shall fail to pay the residue of the purchase money as aforesaid, within the time required by this section, for any property so purchased by him, he shall pay ten per centum per annum, as interest thereon, and in addition to such residue, to be computed from the expiration of the two years as aforesaid, until the actual payment of such residue, and the receiving of a conveyance from the corporation; and the said interest shall alike be subject to the order of the original proprietor or proprietors, as the residue of the purchase money as aforesaid: *Provided, also*, That no sale shall be made, in pursuance of this section, of any improved property whereon there is personal property of sufficient value to pay the said taxes: and that minors, mortgagees, or others having equitable interest in real property, which property shall be sold for taxes as aforesaid, shall be allowed one year after such minors' coming to, or being of full age, or after such mortgagees, and others having equitable interests, obtaining possession of, or a decree for the sale of, such property, to redeem the property so sold from the purchaser or purchasers, his, her, or their, assigns, on paying the amount of purchase money so paid therefor, with ten per cent. interest thereon as aforesaid, and all the taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with ten per cent. interest on the amount of such taxes, and also the full value of the improvements which may have been made or erected on such property, by the purchaser or his assigns, while the same was in his or their possession. *And provided, moreover*, That where the estate of the tenant in default, as for years, or for life or lives, shall be sufficient to defray the taxes chargeable thereupon, such estate only shall be liable to be sold under the provisions of this act.

SEC. 11. *And be it further enacted*, That it shall be lawful for the collector or other officer (duly authorized) to postpone, after such advertisement, the sale of any property advertised according to the provisions of the foregoing section, to any future day, for the want of bidders, he giving public notice of such postponement, and the sale made at such postponed time shall be equally valid as if made on the day stated in the advertisement.

SEC. 12. *And be it further enacted*, That the person or persons appointed to collect any tax imposed by virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the person chargeable therewith; but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the city of Washington. And the provisions of the acts of Assembly of Maryland, now in force within the county of Washington, relating to the right of replevying personal property taken in execution for public taxes, shall apply to all cases of personal property taken by distress to satisfy taxes imposed by virtue of this act.

SEC. 13. *And be it further enacted,* That the levy court of the county of Washington, in the District of Columbia, shall not possess the power of assessing any tax on property in the city of Washington; nor shall the corporation of the said city be obliged to contribute, in any manner, towards the expenses or expenditures of said court, except for the one-half part of the expenses incurred on account of the orphans' court, the office of coroner, the jail of said county, and the opening and repairing of roads in the county of Washington, east of Rock creek, leading directly to the city of Washington, but the said corporation shall have the sole control and management of the bridge across or over Rock creek, at the termination of K street north; and shall be chargeable with the expense of keeping the same in repair, and rebuilding it when necessary.

SEC. 14. *And be it further enacted,* That the clerk of the circuit court, and the register of wills for the county of Washington, respectively, shall furnish the register of the city, or other officer of the corporation, appointed to receive the same, on or about the first Monday in January and July, in every year, correct lists of the transfers of real property in the city, during the next preceeding half year, so far as can be ascertained by the records in their respective offices, and the said corporation shall make to the said clerk and register of wills such compensation therefor as shall be agreed on between the respective parties, not exceeding six cents for each transfer on such lists.

SEC. 15. *And be it further enacted,* That the commissioner of the public buildings, or other person appointed to superintend the United States' disbursements in the city of Washington, shall reimburse to the said corporation a just proportion of any expense which may hereafter be incurred, in laying open, paving, or otherwise improving any of the streets or avenues in front of, or adjoining to, or which may pass through or between any of the public squares or reservations, which proportion shall be determined by a comparison of the length of the front, or fronts, of the said squares or reservations of the United States, on any such street or avenue, with the whole extent of the two sides thereof; and he shall cause the curb stones to be set, and foot ways to be paved, on the side or sides of any such street or avenue, whenever the said corporation shall, by law, direct such improvements to be made by the proprietors of the lots on the opposite side of any such street or avenue, or adjacent to any such square or reservation; and he shall cause the footways to be paved, and the curb stones to be set, in front of any lot or lots belonging to the United States, when the like improvements shall be ordered by the corporation in front of the lots adjoining, or squares adjacent thereto; and he shall defray the expenses directed by this section, out of any moneys arising from the sale of lots in the city of Washington, belonging to the United States, and from no other fund.

SEC. 16. *And be it further enacted,* That the present boards of aldermen and common council shall, before the last Monday in May next, divide the said city into as many wards as in their opinion shall be most conducive to the interests of the city; and the boards of aldermen and common council, may, from time to time, as the interests of the city shall require, alter the number and boundaries



of the said wards: *Provided*, That the said wards shall, at all times, be so laid off, altered, and bounded, that each ward shall comprise, as near as may be, an equal number of the inhabitants of the said city: *And provided, however*, That if such division shall not be made prior to the said last Monday in May, then the said city shall be divided into six wards, in manner following, to wit: All that part of said city to the westward of Sixteenth street west, shall constitute the first: that part to the eastward of Sixteenth street west, and to the westward of Tenth street west, shall constitute the second; that part to the eastward of Tenth street west, to the westward of First street west, and to the northward of E street south, shall constitute the third; that part to the eastward of First street west, to the westward of Eighth street east, and to the northward of E street south, shall constitute the fourth; that part to the eastward of Tenth street west, to the westward of Fourth street east, and to the southward of E street south, shall constitute the fifth; and the residue of the city shall constitute the sixth ward. The expenses which may be incurred in improving and repairing the streets which form the boundaries of the several wards, shall be defrayed out of the taxes raised in the wards which adjoin the same, respectively, in equal proportions; and the present boards of aldermen and common council shall, before the first Monday in June next, apportion, by law, such portions of the debt of the city, as have been heretofore chargeable to the existing wards, amongst the wards established by this section, upon just and equitable principles. And the board of aldermen shall, so soon as the same shall have been organized, on the second Monday in June next, divide the members into two classes, in manner following, to wit: Those members who are now in office, and, by virtue of their election in June last, shall be entitled to take their seats in the new board, as members from the wards in which they shall, respectively, reside, shall be placed in the first class; and those members who shall be elected from the same wards in June next, shall be placed in the second class; and the other members shall be placed in their respective classes by lot; and the seats of the first class shall be vacated at the end of the first year, and the seats of the second class shall be vacated at the end of the second year; so that one member shall be elected in each ward every year thereafter. And the members of the board of aldermen shall be hereafter, ex officio, justices of the peace of the county of Washington, unless holding commissions in the army or navy of the United States.

SEC. 17. *And be it further enacted*, That this act shall continue in force for and during the term of twenty years, and until Congress shall, by law, determine otherwise.

## ACT OF 1848 REORGANIZING THE GOVERNMENT OF THE CITY OF WASHINGTON

### An Act to Continue, Alter and Amend the Charter of the City of Washington [Repealed]

(Mar. 10, 1983, D.C. Law 4-201, § 708, 30 DCR 148.)



## ACT OF RETROCESSION OF COUNTY OF ALEXANDRIA

### An Act to Retrocede the County of Alexandria, in the District of Columbia, to the State of Virginia

Whereas no more territory ought to be held under the exclusive legislation given to Congress over the District which is the seat of the General Government than may be necessary and proper for the purposes of such a seat; and whereas experience hath shown that the portion of the District of Columbia ceded to the United States by the State of Virginia has not been, nor is ever likely to be, necessary for that purpose; and whereas the State of Virginia, by an act passed on the third day of February, eighteen hundred and forty-six, entitled "An act accepting by the State of Virginia the county of Alexandria, in the District of Columbia, when the same shall be receded by the Congress of the United States," has signified her willingness to take back the said territory ceded as aforesaid: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That with the assent of the people of the county and town of Alexandria, to be ascertained as hereinafter prescribed, all of that portion of the District of Columbia, ceded to the United States by the State of Virginia, and all the rights and jurisdiction therewith ceded over the same, be, and the same are hereby, ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon.

SEC. 2. *And be it further enacted,* That nothing herein contained shall be construed to vest in the State of Virginia any right of property in the custom-house and post-office of the United States within the town of Alexandria, or in the soil of the territory hereby re-ceded, so as to affect the rights of individuals or corporations therein, otherwise than as the same shall or may be transferred by such individuals or corporations to the State of Virginia.

SEC. 3. *And be it further enacted,* That the jurisdiction and laws now existing in the said territory, ceded to the United States by the State of Virginia, as aforesaid, over the persons and property of individuals therein residing, shall not cease or determine until the State of Virginia shall hereafter provide, by law, for the extension of her jurisdiction and judicial system over the said territory hereby re-ceded.

SEC. 4. *And be it further enacted,* That this act shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it, in the mode hereinafter provided. Immediately after the close of the present session of Congress, the President of the United States shall appoint five commissioners, (any three of whom may act,) citizens of the said town or county of Alexandria, and freeholders within the same, who shall be sworn, before some justice of the peace in and for the said town or county, to discharge the duties hereby imposed upon them faithfully, impartially, and to the best of

their ability. These commissioners, or any of them, shall proceed, within ten days after they are notified of their appointment, to fix upon the time, place, and manner, of taking the vote within the town or county of Alexandria, and shall give notice of the same by advertisement in the newspapers of the said town. And on the day and at the place so appointed, every free white male citizen of the United States, who shall have resided in said county of Alexandria for six months preceding the time when he offers his vote, insane persons and paupers excepted, shall vote *viva voce* upon the question of accepting or rejecting the provisions of this act. The said commissioners shall preside when this vote is taken, and decide all questions arising in relation to the right of voting under this act. Within three days after this vote is taken as aforesaid, the said commissioners shall make out three statements of the result of this poll, upon oath, and under their seals. Of these, one shall be transmitted to the President of the United States, one to the governor of the Commonwealth of Virginia, and one shall be deposited in the clerk's office of the county court of Alexandria. If a majority of the votes so given shall be cast against accepting the provisions of this act, then it shall be void and of no effect; but if a majority of the said votes should be in favor of accepting the provisions of this act, then this act shall be in full force, and it shall be the duty of the President of the United States to inform the governor of Virginia that this act is in full force and effect, and to make proclamation of the fact.

SEC. 5. *And be it further enacted*, That, in such case, the right of property in the half square in Alexandria on which stands the courthouse, bounded by Columbus, Queen, and Princess streets, and the half square on which stands the jail, bounded by Princess, St. Asaph, and Pitt streets, shall be conveyed to the governor of Virginia, and his successors, for the use of the county and corporation of Alexandria forever; and the Solicitor of the Treasury of the United States is hereby authorized and required, in the name and on the behalf of the United States, to make all the proper and necessary conveyances for that purpose.

SEC. 6. *And be it further enacted*, That Congress will in no event assume and pay the debt, or any part thereof, now due by the corporation of the city of Alexandria.

## **VIRGINIA ACT ACCEPTING RETROCESSION**

### **An Act Accepting by the State of Virginia the County of Alexandria, in the District of Columbia, When the Same Shall be Re-ceded by the Congress of the United States**

Whereas the general assembly of this commonwealth, on the third day of December, in the year seventeen hundred and eighty-nine, passed an act, entitled "an act for the cession of ten miles square, or any lesser quantity of territory within this state, to the United States, in congress assembled, for the permanent seat of the general government;" and by the said act it was enacted,

that "a tract of country not exceeding ten miles square, or any lesser quantity, to be located within the limits of this state, and in any part thereof as congress may by law direct, shall be and the same is hereby forever ceded and relinquished to the congress and government of the United States, in full and absolute right, and exclusive jurisdiction as well of soil as of persons residing or to reside thereon, pursuant to the tenor and effect of the eighth section of the first article of the constitution of the government of the United States." And whereas the congress of the United States did, under the provisions of the said act, locate that portion of the territory of Virginia now known as the county of Alexandria in the District of Columbia, lying south and west of the river Potomac, and bounded by said river and the lines which separate the District of Columbia from Virginia: And whereas the congress of the United States, on the twenty-seventh day of February, in the year eighteen hundred and one, passed an act, entitled "an act concerning the District of Columbia," by the provisions of which act the exclusive jurisdiction of the United States was extended over the territory so located as aforesaid, which territory has since formed a part of the District of Columbia: And whereas a petition has been presented to the general assembly by the citizens residing in said county of Alexandria, representing that they now have pending before the congress of the United States an application for the re-cession of the said county of Alexandria to the commonwealth of Virginia, and praying the consent of the general assembly to such re-cession, and for the passage of a law to give effect thereto, if the same should be granted by congress; and as the prayer of the said petition is deemed reasonable.

1. *Be it therefore enacted by the general assembly*, That so soon as the congress of the United States shall by law re-cede to the commonwealth of Virginia the said county of Alexandria, and relinquish their exclusive jurisdiction, as well of territory as of persons residing or to reside thereon, the same shall be re-annexed to the said commonwealth, and constitute a portion thereof, subject to such reservation and provisions respecting the public property of the United States, as congress may enact in their act of re-cession.

2. *Be it further enacted*, That the general assembly hereby assents that the jurisdiction and laws of the United States, as well as the rights and privileges of the citizens of said county, and bodies politic and corporate thereof, shall continue in force and be executed in like manner, and to the same extent, as they now exist, until the general assembly of Virginia shall by law provide for the government of said county under the constitution and laws of this commonwealth.

3. This act shall be in force from the passing thereof.



## PROCLAMATION RELATIVE TO RETROCESSION

### A Proclamation by the President of the United States of America Declaring Alexandria County to be Retroceded to Virginia

Whereas, by the act of Congress, approved July 9, 1846, entitled "An Act to retrocede the County of Alexandria, in the District of Columbia, to the State of Virginia," it is enacted, That, with the assent of the people of the county and town of Alexandria, to be ascertained in the manner therein prescribed, all that portion of the District of Columbia ceded to the United States by the State of Virginia, and all the rights and jurisdiction therewith ceded over the same, shall be ceded and forever relinquished to the State of Virginia, in full and absolute right and jurisdiction, as well of soil as of persons residing or to reside thereon: And whereas, it is further provided, that the said act "shall not be in force until after the assent of the people of the county and town of Alexandria shall be given to it, in the mode therein provided;" and if a majority of the votes should be in favor of accepting the provisions of the said act, it shall be the duty of the President to make proclamation of the fact:

And whereas, on the 17th day of August, 1846, after the close of the late session of the Congress of the United States, I duly appointed five citizens of the county or town of Alexandria, being freeholders within the same, as commissioners, who, being duly sworn to perform the duties imposed on them, as prescribed in the said act, did proceed, within ten days after they were notified, to fix upon the first and second days of September, 1846, as the time, the court-house of the county of Alexandria, as the place, and *viva voce* as the manner of voting; and gave due notice of the same; and at the time, and at the place, in conformity with the said notice, the said commissioners presiding, and deciding all questions arising in relation to the right of voting under the said act, the votes of the citizens qualified to vote were taken *viva voce*, and recorded in poll-books, duly kept, and on the third day or [of] September instant, after the said polls were closed, the said commissioners did make out, and on the next day did transmit to me, a statement of the polls so held, upon oath, and under their seals; and of the votes so cast and polled, there were, in favor of accepting the provisions of the said act, seven hundred and sixty-three votes, and against accepting the same, two hundred and twenty-two — showing a majority of five hundred and forty-one votes for the acceptance of the same:

Now, therefore, be it known, that I, James K. Polk, President of the United States of America, in fulfilment of the duty imposed upon me by the said act of Congress, do hereby make proclamation of the "result" of said "poll," as above stated, and do call upon all and singular the persons whom it doth or may concern, to take notice, that the act aforesaid, "is in full force and effect."

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

ACTS RELATING TO ESTABLISHMENT OF DISTRICT

Done at the City of Washington, this seventh day of September, in the year of our Lord one thousand eight hundred and forty-six, and of the Independence of the United States, the seventy-first.

[Seal]

JAMES K. POLK.

By the President.

N. P. TRIST,

*Acting Secretary of State.*

**ACT OF 1862 RELATIVE TO HIGHWAYS IN  
THE COUNTY OF WASHINGTON**

**An Act Relating to Highways in the County of  
Washington and District of Columbia**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, it shall be lawful for the levy court of Washington county, in the District of Columbia, to alter, repair, widen, and regulate the public roads and highways in said county, and to lay out additional roads as hereinafter specified.*

SEC. 2. *And be it further enacted, That all roads within said county of Washington which have been used by the public for a period of twenty-five years or more as a highway, and have been recognized by the said levy court as public county roads, and for the repairs of which the said levy court has appropriated and expended money, are declared public highways, whether the same have been recorded or not; and any person who shall obstruct the free use of said highways, or any one of them, without authority from said levy court, shall be subject to a fine for each and every offence of not less than one hundred or more than two hundred and fifty dollars, to be imprisoned till the said fine and the costs of suit and collection of the same are paid; said fines to be collected in the name of the United States, for the use of the levy court.*

SEC. 3. *And be it further enacted, That within one year from the passage of this act the levy court shall cause the surveyor of the said county of Washington to survey and plat all such roads as are named in the last preceding section, and have the same recorded among the records of said county now used for recording surveys and plats of other public county roads; and, in making said survey, the county surveyor shall follow, as nearly as possible, the lines and boundaries heretofore used and known as a highway, and he shall cause the lines and boundaries of the same to be permanently marked and fixed by the erection of stones or posts at the different angles thereof.*

SEC. 4. *And be it further enacted, That all such roads as are named in the second section of this act as have been obstructed by any person or persons in any manner within the last six years shall be re-opened by the levy court, if, in*

the judgment of said court, the public convenience requires it; and the expenses thereby incurred shall be paid by the person or persons who shall have obstructed the same, which expenses shall be collected as fines are required to be collected under the second section of this act.

SEC. 5. *And be it further enacted*, That hereafter, in laying out new roads in said county of Washington, the levy court shall cause such roads to be of a width of not less than fifty nor more than one hundred feet, and it may also cause the width of any of the existing roads in said county to be increased to not more than one hundred feet, and change the location of any of them, as the said levy court may deem best for the public interest; and, for the purpose of opening or widening such roads, the said levy court is hereby empowered to cause to be condemned any land or lands necessary for the same, as other lands are now condemned by law.

SEC. 6. *And be it further enacted*, That in any case where materials shall be necessary for making or repairing a public road, if the levy court cannot agree with the owner as to their purchase, the said court may proceed in the same manner for condemning said materials as in cases of condemnation of land for the purposes of a public road.

SEC. 7. *And be it further enacted*, That no field or garden or yard, in actual cultivation, shall be laid open or used as a public highway until after the usual time of taking off the crops growing thereon.

SEC. 8. *And be it further enacted*, That the requirement in the existing laws, that members of the levy court shall be appointed from amongst the justices of the peace in the county of Washington, is hereby repealed.

## **ACT OF 1863 DEFINING POWERS OF LEVY COURT**

### **An Act to Define the Powers and Duties of the Levy Court of the County of Washington, District of Columbia, in Regard to Roads, and for Other Purposes**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the levy court of the county of Washington, District of Columbia, shall hereafter consist of nine members, to be appointed by the President of the United States, by and with the advice and consent of the Senate, who shall hold their offices for the term of three years. But of the members to be first appointed one third shall be appointed and hold their offices for one year, or until the thirty-first day of December, eighteen hundred and sixty-three; one third for two years, or until the thirty-first of December, eighteen hundred and sixty-four; and one third for three years, or until the thirty-first of December, eighteen hundred and sixty-five. The terms of members shall commence on the first day of January, and end on the thirty-first day of December; and it shall be the duty of the President to



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

nominate members, to fill the places of those whose term is about to expire, as early as the fifteenth day of December; and he may renominate any out-going member, should he think proper to do so. Of the nine members of the court, five shall be residents of the county, three of the city of Washington, and one of the city of Georgetown. In case of vacancies happening, the President shall fill them as other vacancies are filled; and the term of the person appointed to fill any vacancy shall expire when the term of him in whose place he is appointed would have expired.

SEC. 2. *And be it further enacted*, That every person appointed as a member of the levy court shall, before he enters on his duties, take an oath faithfully to discharge the duties of the office, and also to support the Constitution of the United States; and he shall also take the oath of allegiance prescribed by the act of July second, eighteen hundred and sixty-two. The members of said court shall hereafter be entitled to receive four dollars a day, each, for every day they shall attend a sitting of the court, and not absent themselves without permission of the court, and four dollars for every day they shall serve on a committee, to be paid by the county treasurer upon the certificate of the president of said court.

SEC. 3. *And be it further enacted*, That the said court shall have the care and charge of, and the exclusive jurisdiction over, all the roads and bridges in said county, except such roads and bridges as belong to and are under the care of the United States. And the said court shall have power, and it shall be their duty—

First. To lay out, alter, repair, discontinue, and regulate any of the public roads and highways within said county, and at any time hereafter to inquire and to decide whether any road in said county held by any incorporated company, has been, and is at the time of such inquiry, kept in the condition required by the charter thereof, and if not, to take legal proceedings to acquire possession of the same as other county roads.

Second. To levy and collect taxes for that purpose upon and from the inhabitants of said county, of the age of twenty-one years and over; those having no property to assess to be assessed to labor.

Third. To appoint, annually, and take bond and security from, a clerk and treasurer, and also to appoint a collector of taxes, who shall have power to collect all the taxes (not to be paid in labor) levied by said court, and to proceed to collect the same, in such manner and within such periods of time as the said levy court may direct.

Fourth. To appoint, annually, a general superintendent of roads and such number of supervisors of roads as they may deem expedient; to remove them, as well as the clerk and treasurer and tax collector, whenever, in their judgment, there is sufficient cause, or the public interests will be subserved thereby.

Fifth. To cause bridges to be erected whenever necessary or convenient, and to keep all bridges in good repair.

Sixth. To fix, from time to time, the pay of the clerk, treasurer, tax collector, superintendent, and supervisors of roads, and the rates per day or hour, to be paid for labor to be performed by men or teams when employed upon roads or bridges.

Seventh. To levy a tax upon all lands and other assessable property lying in said county, at a rate not exceeding one dollar in the hundred dollars of their valuation, and also a tax of not exceeding one dollar each on dogs.

Eighth. To require reports or the rendition of accounts from the collector of taxes, the treasurer of the county, and from supervisors of roads, whenever they shall deem it expedient or proper. Also, reports from supervisors as to the condition of the roads and bridges in their respective districts, and estimates of the probable amount that will be required to put and keep the same in good repair for the ensuing year.

Ninth. To pass ordinances imposing fines for trespassing upon or obstructing or injuring any road or trees therein, or bridge, in said county, and to empower and require the tax collector to collect the same in the same manner as other fines are now collected, and to exercise a general police power over all roads and bridges in said county.

Tenth. To lay out private roads.

Eleventh. To provide for the maintenance and support of the poor; to erect a "poor-house" for that purpose, if deemed by said court necessary and proper; and, in addition to the tax otherwise herein authorized, to levy and collect a tax on real and personal property in said county to pay for the same. The powers herein given are to apply only to that portion of the county not included within the corporate bounds of Washington and Georgetown.

SEC. 4. *And be it further enacted*, That the said court may authorize any portion, not exceeding three fourths of the taxes levied for road and bridge purposes, to be paid in labor, of men, horses, mules, oxen, the use of ploughs, cars, and wagons, at rates per day or hour, for each to be fixed by said court. But in case any one assessed shall have no visible property, and shall prefer it, he may pay the whole of his tax in labor. All labor upon roads and bridges shall be performed at such times and places as the superintendent of roads shall direct, and under his supervision, or that of the supervisor of the road, or such other person as may be appointed to superintend the work. And it shall be the duty of the superintendent to notify all persons liable to pay road tax, or to labor on roads, of the time and place, when and where they must appear and perform such labor, at least one week before the day they are required to appear. And he may notify such as have teams of horses, mules, or oxen, or may have a cart or wagon, to come or send an able-bodied hand with such team, cart or wagon, to be used in repairing or making roads or bridges; such notice to be given personally or in writing left at the residence of the individual notified. If the person so notified shall fail to appear at the time and place, or send an able-bodied substitute, or shall not conform to the directions of the person having charge of the work, or shall not labor diligently, in the latter case he shall be dismissed, and in either case he shall pay the whole amount of his road tax in cash, with an addition of twenty per centum thereon. For the convenience of the tax collector and the superintendent of roads, it shall be the duty of all tax-payers who desire to work out that portion of their road tax which is herein provided they may work out, as early as the first Monday of April of each year, to give notice to the supervisor of their district of such desire, and



such supervisor shall notify the tax collector. But in case any one shall fail to perform the labor required of him, the tax collector shall, upon being notified thereof, collect the said tax in cash, with the twenty per centum added.

SEC. 5. *And be it further enacted*, That it shall be the duty of the superintendent and supervisors of roads to have at least three fourths of the work to be done on them during the year performed as early as the middle of July; and in making and repairing the roads they shall be raised full twelve inches higher in the middle than at the sides, and shall be gradually rounded off to the gutters, which shall be made capacious enough to carry off all the falling water.

SEC. 6. *And be it further enacted*, That no bill for labor performed upon any road or bridge shall be allowed or paid to any supervisor by the levy court which is not accompanied by a certificate of the superintendent of roads that he has personally examined the road or bridge so made or repaired, and that the work has been well done and according to law, and that the charges are reasonable and just: *Provided, however*, That one or more members of the court, to be appointed for that purpose, may, after personal examination, make such certificate.

SEC. 7. *And be it further enacted*, That on extraordinary occasions, when any public road or bridge shall be destroyed, or so injured as to require immediate repair, it shall be the duty of the superintendent as well as the supervisor of the road to cause the necessary repairs to be forthwith made; and if there are no funds in hand with which to hire laborers and teams, or if laborers and teams cannot be otherwise procured, the said supervisor shall immediately summon a sufficient number of men living nearest the place to appear and labor on said road or bridge until it shall be repaired; and he may also require any person owning a team and living within a reasonable distance to appear with said team and cart or wagon and plough. And if any one thus called upon, having received two days' notice, shall neglect or refuse to appear and labor, or send an able-bodied substitute, or shall refuse his team, cart, wagon, or plough, he shall forfeit and pay to the levy court a sum not less than three dollars, nor more than ten, to be recovered before any justice of the peace in said county, with costs. For labor, the use of teams, and other necessary implements, performed and furnished on such occasions, a just and fair compensation shall be paid, to be fixed by the said court.

SEC. 8. *And be it further enacted*, That whenever the levy court shall deem it conducive to the public interests to open a new road, or change the course of an old one, they shall direct the route of such road to be surveyed by the county surveyor, and a plat or map of the same to be prepared. They shall then cause notice to be given, by advertisement, twice a week for three weeks, of the proposed opening of the new road, or of the alteration of an existing one, calling upon all persons who may have any objections thereto to present them to the court at its next regular meeting. If any objections are made, the court shall then and there hear them. If the route only is objected to, and another or others suggested as more advantageous, the court may adopt it, or appoint five discreet, disinterested men, of whom the county surveyor shall be one, to



examine all the proposed routes, and report such an one as they shall deem most feasible and advantageous to the county, and such report shall be made to the court at its next session. If no objection to the opening or altering a road by the owners of the land through which it must pass after such notice [is made], it shall be taken for granted that no damages are or will be claimed, and the road may be recorded, and opened, and shall then be a public road or highway; but if any owner or owners of the land shall object and claim damages, and the court cannot agree with such owner or owners upon the amount, then the court shall direct the marshal of the District to summon a jury of seven judicious, disinterested men, not related to any party interested, to be and appear on the premises on a day specified to assess the damages, if any, which each owner of land through which the road is to pass may sustain by reason thereof. And the marshal shall summon such jury, and administer an oath or affirmation to them that they will, without favor or partiality to any one, to the best of their judgment, decide what damage, if any, each owner may sustain by reason of running the road through his premises; but in doing this they shall take into consideration the benefit it may be to him or her by enhancing the value of his or her land, or otherwise, and give their verdict accordingly. It shall be the duty of the marshal, upon receiving the order from the court, to give the owner or owners aforesaid not less than ten days' notice of the time and place of the meeting of the jury to assess their damages. In cases where notice cannot be served on the owner or owners, the same proceedings shall be had as is provided in this section in the case of minors. The jury, having been upon the premises and assessed the damages, shall make out a written verdict, to be signed by them, or a majority of them, and attested by the marshal, which the marshal shall transmit to the court at its next session and which shall be recorded. If the court or any owner or owners of the land aforesaid are dissatisfied with the verdict thus rendered, and no arrangement being made between the court and the said owner or owners, the court shall order the marshal to summon a second jury of twelve judicious, disinterested men, not related to any one interested, to meet and view the premises, giving the parties interested at least ten days' notice of the time and place of meeting. And the marshal and jury shall proceed as before directed in regard to the first jury. And the verdict, signed by each of the jurors, or a majority of them, shall be returned to the court at its next session, and recorded as final and conclusive, and the road shall then be declared a public road, and the court shall order it to be opened as such. And the same mode of proceeding shall be observed in cases where application shall be made to the court by the residents of the county to lay out a new, or alter any existing road. In all cases where the land through which it is proposed to run a road shall belong to a minor or minors, it shall be presumed that objection is made, and the damages assessed accordingly. In all cases where it becomes necessary to summon a second jury to assess damages, if the amount assessed by the second jury shall not be greater than the amount assessed by the first, the costs of the second jury shall be paid by the party or parties objecting to the first verdict; but if greater, they shall be paid by the county. All expenses up to the second jury shall be paid by the county.

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MARSHAL'S FEES

For summoning each juror the marshal shall be entitled to fifty cents.

For travel, per mile, going and coming to the premises to be examined, twelve and a half cents.

For each day's attendance, two dollars and fifty cents.

JUROR'S FEES

For each day's attendance, two dollars.

SEC. 9. *And be it further enacted,* That in any case where materials of any kind shall be deemed necessary for making or repairing a public road, if the levy court cannot agree with the owner as to their purchase, the said court may proceed in the same manner for condemning said materials as in cases of condemnation of land for the purposes of a public road, as is provided for in the next preceding section of this act.

SEC. 10. *And be it further enacted,* That said levy court shall have full power to make sanitary rules and regulations in said county, to abate nuisances, and to pass such ordinances as it may deem necessary for their condemnation and removal, and for the punishment of persons creating them or suffering them to exist on their premises; which punishment shall not exceed a fine of twenty dollars, for the use of the county, or imprisonment in the county jail thirty days for each offence. Said levy court shall also have power to pass such ordinances as it may deem necessary to effectually prevent Sabbath-breaking in said county by hunting, gaming, fishing, or otherwise, on Sunday; to prohibit the killing of such game as said court may think proper during certain periods; to regulate fishing in the waters of said county, and to provide for sufficient penalties for the violation thereof. And it shall be the duty of the metropolitan police of the District of Columbia to enforce any and all of the ordinances of the said levy court in the same manner as they are now required to enforce the ordinances of the cities of Washington and Georgetown; the funds required for that purpose to be paid by said levy court from the county treasury. And from and after the passage of this act the duties of county constable shall be confined exclusively to the service of civil process and the collection of strictly private debts within the said District of Columbia. And each of the county constables holding office at the time of the passage of this act, and each of said constables hereafter appointed, shall, before performing any duties required to be performed in his said office, take the oath of allegiance required by the act of July second, eighteen hundred and sixty-two, in addition to any oath of office required of him at the time, and shall moreover enter into a bond to the United States in the sum of five thousand dollars, with security to be approved by the clerk of the circuit court, conditioned for the faithful performance of the duties of his office, and for the punctual payment of all moneys coming into his hands to the persons entitled to receive the same, and shall renew the said bond on the thirty-first day of June in every alternate year of his continuance in office.

SEC. 11. *And be it further enacted,* That the act entitled "An act to authorize the levy court to issue tavern and other licenses in the District of Columbia,"



approved June twelfth, eighteen hundred and sixty, be so extended as to authorize the levy court to grant licenses to wholesale and retail dealers in goods, wares, or merchandise in the county of Washington outside the limits of the cities of Washington and Georgetown, under such restrictions and penalties as the said levy court may deem expedient.

SEC. 12. *And be it further enacted*, That fines, under any of the ordinances of the levy court, may be recovered in the name, and for the use, of said levy court, before any magistrate of said county of Washington, and the person or persons against whom a fine may be imposed shall pay the same at the time it is so imposed with costs, or give security for the payment of such fine and costs, as required by the sixth section of an act entitled "An act to amend 'An enact to create a metropolitan police district of the District of Columbia, and to establish a police therefor,'" approved August six, eighteen hundred and sixty-one, or shall stand committed till the whole is paid.

SEC. 13. *And be it further enacted*, That all laws inconsistent with this act are hereby repealed.

## REGULATION OF ELECTIVE FRANCHISE

### An Act to Regulate the Elective Franchise in the District of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, from and after the passage of this act each and every male person, excepting paupers and persons under guardianship, of the age of twenty-one years and upwards, who has not been convicted of any infamous crime or offence, and excepting persons who may have voluntarily given aid and comfort to the rebels in the late rebellion, and who shall have been born or naturalized in the United States, and who shall have resided in the said District for the period of one year, and three months in the ward or election precinct in which he shall offer to vote, next preceding any election therein, shall be entitled to the elective franchise, and shall be deemed an elector and entitled to vote at any election in said District, without any distinction on account of color or race.

SEC. 2. *And be it further enacted*, That any person whose duty it shall be to receive votes at any election within the District of Columbia, who shall wilfully refuse to receive, or who shall wilfully reject, the vote of any person entitled to such right under this act, shall be liable to an action of tort by the person injured, and shall be liable, on indictment and conviction, if such act was done knowingly, to a fine not exceeding five thousand dollars, or to imprisonment for a term not exceeding one year in the jail of said District, or to both.

SEC. 3. *And be it further enacted*, That if any person or persons shall wilfully interrupt or disturb any such elector in the exercise of such franchise, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not to exceed one thousand dollars, or be imprisoned



in the jail in said District for a period not to exceed thirty days, or both, at the discretion of the court.

SEC. 4. *And be it further enacted*, That it shall be the duty of the several courts having criminal jurisdiction in said District to give this act in special charge to the grand jury at the commencement of each term of the court next preceding the holding of any general or city election in said District.

SEC. 5. *And be it further enacted*, That the mayors and aldermen of the cities of Washington and Georgetown, respectively, on or before the first day of March, in each year, shall prepare a list of the persons they judge to be qualified to vote in the several wards of said cities in any election; and said mayors and aldermen shall be in open session to receive evidence of the qualification of persons claiming the right to vote in any election therein, and for correcting said list, on two days in each year, not exceeding five days prior to the annual election for the choice of city officers, giving previous notice of the time and place of each session in some newspaper printed in said District.

SEC. 6. *And be it further enacted*, That on or before the first day of March the mayors and aldermen of said cities shall post up a list of voters thus prepared in one or more public places in said cities, respectively, at least ten days prior to said annual election.

SEC. 7. *And be it further enacted*, That the officers presiding at any election, shall keep and use the check-list herein required at the polls during the election of all officers, and no vote shall be received unless delivered by the voter in person, and not until the presiding officer has had opportunity to be satisfied of his identity, and shall find his name on the list, and mark it, and ascertain that his vote is single.

SEC. 8. *And be it further enacted*, That it is hereby declared unlawful for any person, directly or indirectly, to promise, offer, or give, or procure or cause to be promised, offered, or given, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to any person with intent to influence his vote to be given at any election hereafter to be held within the District of Columbia; and every person so offending shall, on conviction thereof, be fined by any sum not exceeding two thousand dollars, or imprisoned not exceeding two years, or both, at the discretion of the court.

SEC. 9. *And be it further enacted*, That any person who shall accept, directly or indirectly, any money, goods, right in action, bribe, present, or reward, or any promise, understanding, obligation, or security for the payment or delivery of any money, goods, right in action, bribe, present, or reward, or any other valuable thing whatever, to influence his vote at any election hereafter to be held in the District of Columbia, shall, on conviction, be imprisoned not less than one year and be forever disfranchised.

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SEC. 10. *And be it further enacted*, That all acts and parts of acts inconsistent with this act be, and the same are hereby repealed.

SCHUYLER COLFAX,  
*Speaker of the House of Representatives.*

LA FAYETTE S. FOSTER,  
*President of the Senate, pro tempore.*

IN SENATE OF THE UNITED STATES,  
January 7, 1867.

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act to regulate the elective franchise in the District of Columbia," with his objections thereto, the Senate proceeded in pursuance of the Constitution to reconsider the same, and

*Resolved*, That the said bill do pass, two thirds of the Senate agreeing to pass the same.

Attest:

J. W. FORNEY,  
*Secretary of the Senate.*

IN THE HOUSE OF REPRESENTATIVES,  
OF THE UNITED STATES, January 8, 1867.

The House of Representatives having proceeded, in pursuance of the Constitution to reconsider the bill entitled "An Act to regulate the elective franchise in the District of Columbia," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill:

*Resolved*, That the bill do pass, two thirds of the House of Representatives agreeing to pass the same.

Attest:

EDWD. MCPHERSON,  
*Clerk.*

## AMENDMENT OF REGULATION OF ELECTIVE FRANCHISE

### A Resolution Relative to the Payment of Expenses Incurred by the Judges of Election for the Cities of Washington and Georgetown, District of Columbia

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the corporations of the cities of Washington and Georgetown, District of Columbia, be, and the same are hereby, required to pay, or cause to be paid, all necessary expenses, including printing, clerk hire, room rent, stationery, and a per diem compensation to each of the judges of election in the respective cities, appointed under the act of congress

entitled "An act to punish illegal voting in the District of Columbia, and for other purposes," approved February fifth, eighteen hundred and sixty-seven, of five dollars per day for every day they shall be actually employed in the discharge of their duties, and the certificate of the judges of election of either city, or a majority thereof, of the correctness of any account arising out of the action of said judges, shall be deemed sufficient to constitute the same a legal debt against the city to which the judges so certifying shall belong. And it shall be lawful for any of the said judges of election to administer oaths in all cases relating to the duties assigned them by law, and any person wilfully making a false statement under oath, before any of said judges, shall be deemed guilty of perjury, and on conviction thereof shall be subject to imprisonment for the term of not less than one nor more than five years.

SEC. 2. *And be it further resolved,* That the judges of the supreme court of the District of Columbia shall appoint three commissioners of election in each voting precinct in said cities of Washington and Georgetown, who shall hold their offices for two years and until their successors are appointed and qualified, whose duty it shall be to take charge of the ballot-boxes at the polls at each election, to receive and deposit in said boxes the ballots of legalized voters in their respective precincts, to count the votes after the polls are closed, and declare the result, and make returns thereof as now provided by law. And the said commissioners of election shall receive the votes of all persons whose names are on the list of voters in said precinct, prepared by the judges of election aforesaid, and none others; they shall have power to administer oaths, and to examine persons offering to vote, and other witnesses as to the identity of voters, and shall receive from their respective cities the same compensation for their services as is now paid to the commissioners of election in said cities; and any person swearing falsely relative to the same shall be deemed guilty of perjury, and shall, on conviction thereof, be subject to imprisonment for the term of not less than one nor more than five years. All acts and parts of acts inconsistent herewith are hereby repealed.

## ACT OF 1871 CREATING LEGISLATIVE ASSEMBLY

### An Act to Provide a Government for the District of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the United States included within the limits of the District of Columbia be, and the same is hereby, created into a government by the name of the District of Columbia, by which name it is hereby constituted a body corporate for municipal purposes, and may contract and be contracted with, sue and be sued, plead and be impleaded, have a seal, and exercise all other powers of a municipal corporation not inconsistent with the Constitution and laws of the United States and the provisions of this act.



SEC. 2. *And be it further enacted,* That the executive power and authority in and over said District of Columbia shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall hold his office for four years, and until his successor shall be appointed and qualified. The governor shall be a citizen of and shall have resided within said District twelve months before his appointment, and have the qualifications of an elector. He may grant pardons and respites for offenses against the laws of said District enacted by the legislative assembly thereof; he shall commission all officers who shall be elected or appointed to office under the laws of the said District enacted as aforesaid, and shall take care that the laws be faithfully executed.

SEC. 3. *And be it further enacted,* That every bill which shall have passed the council and house of delegates shall, before it becomes a law, be presented to the governor of the District of Columbia; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of all the members appointed or elected to the house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of all the members appointed or elected to that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislative assembly by their adjournment prevent its return, in which case it shall not be a law.

SEC. 4. *And be it further enacted,* That there shall be appointed by the President, by and with the advice and consent of the Senate, a secretary of said District, who shall reside therein and possess the qualification of an elector, and shall hold his office for four years, and until his successor shall be appointed and qualified; he shall record and preserve all laws and proceedings of the legislative assembly hereinafter constituted, and all the acts and proceedings of the governor in his executive department; he shall transmit one copy of the laws and journals of the legislative assembly within thirty days after the end of each session, and one copy of the executive proceedings and official correspondence semiannually, on the first days of January and July in each year, to the President of the United States, and four copies of the laws to the President of the Senate and to the Speaker of the House of Representatives, for the use of Congress; and in case of the death, removal, resignation, disability, or absence, of the governor from the District, the secretary shall be, and he is hereby, authorized and required to execute and perform all the powers and duties of the governor during such vacancy, disability, or absence, or until another governor shall be duly appointed and qualified to fill such vacancy. And in case the offices of governor and secretary shall both become

vacant, the powers, duties, and emoluments of the office of governor shall devolve upon the presiding officer of the council, and in case that office shall also be vacant, upon the presiding officer of the house of delegates, until the office shall be filled by a new appointment.

SEC. 5. *And be it further enacted,* That legislative power and authority in said District shall be vested in a legislative assembly as hereinafter provided. The assembly shall consist of a council and house of delegates. The council shall consist of eleven members, of whom two shall be residents of the city of Georgetown, and two residents of the county outside of the cities of Washington and Georgetown, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall have the qualification of voters as hereinafter prescribed, five of whom shall be first appointed for the term of one year, and six for the period of two years, provided that all subsequent appointments shall be for the term of two years. The house of delegates shall consist of twenty-two members, possessing the same qualifications as prescribed for the members of the council, whose term of service shall continue one year. An apportionment shall be made, as nearly equal as practicable into eleven districts for the appointment of the council, and into twenty-two districts for the election of delegates, giving to each section of the District representation in the ratio of its population as nearly as may be. And the members of the council and of the house of delegates shall reside in and be inhabitants of the districts from which they are appointed or elected, respectively. For the purposes of the first election to be held under this act, the governor and judges of the supreme court of the District of Columbia shall designate the districts for members of the house of delegates, appoint a board of registration and persons to superintend the election and the returns thereof, prescribe the time, places, and manner of conducting such election, and make all needful rules and regulations for carrying into effect the provisions of the act not otherwise herein provided for: *Provided,* That the first election shall be held within sixty days from the passage of this act. In the first and all subsequent elections the persons having the highest number of legal votes for the house of delegates, respectively, shall be declared by the governor duly elected members of said house. In case two or more persons voted for shall have an equal number of votes for the same office, or if a vacancy shall occur in the house of delegates, the governor shall order a new election. And the persons thus appointed and elected to the legislative assembly shall meet at such time and at such place within the District as the governor shall appoint; but thereafter the time, place, and manner of holding and conducting all elections by the people, and the formation of the districts for members of the council and house of delegates, shall be prescribed by law, as well as the day of the commencement of the regular sessions of the legislative assembly: *Provided,* That no session in any one year shall exceed the term of sixty days, except the first session, which may continue one hundred days.

SEC. 6. *And be it further enacted,* That the legislative assembly shall have power to divide that portion of the District not included in the corporate limits of Washington or Georgetown into townships, not exceeding three, and create



township officers, and prescribe the duties thereof; but all township officers shall be elected by the people of the townships respectively.

SEC. 7. *And be it further enacted*, That all male citizens of the United States, above the age of twenty-one years, who shall have been actual residents of said District for three months prior to the passage of this act, except such are non compos mentis and persons convicted of infamous crimes, shall be entitled to vote at said election, in the election district or precinct in which he shall then reside, and shall have so resided for thirty days immediately preceding said election, and shall be eligible to any office within the said District, and for all subsequent election twelve months' prior residence shall be required to constitute a voter; but the legislative assembly shall have no right to abridge or limit the right of suffrage.

SEC. 8. *And be it further enacted*, That no person who has been or hereafter shall be convicted of bribery, perjury, or other infamous crime, nor any person who has been or may be a collector or holder of public moneys who shall not have accounted for and paid over, upon final judgment duly recovered according to law, all such moneys due from him, shall be eligible to the legislative assembly or to any office of profit or trust in said District.

SEC. 9. *And be it further enacted*, That members of the legislative assembly, before they enter upon their official duties, shall take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm) that I will support the Constitution of the United States, and will faithfully discharge the duties of the office upon which I am about to enter; and that I have not knowingly or intentionally paid or contributed anything, or made any promise in the nature of a bribe, to directly or indirectly influence any vote at the election at which I was chosen to fill the said office, and have not accepted, nor will I accept, or receive, directly or indirectly, any money or other valuable thing for any vote or influence that I may give or withhold on any bill, resolution, or appropriation, or for any other official act." Any member who shall refuse to take the oath herein prescribed shall forfeit his office, and every person who shall be convicted of having sworn falsely to or of violating his said oath shall forfeit his office and be disqualified thereafter from holding any office of profit or trust in said District, and shall be deemed guilty of perjury, and upon conviction shall be punished accordingly.

SEC. 10. *And be it further enacted*, That a majority of the legislative assembly appointed or elected to each house shall constitute a quorum. The house of delegates shall be the judge of the election returns and qualifications of its members. Each house shall determine the rules of its proceedings, and shall choose its own officers. The governor shall call the council to order at the opening of each new assembly; and the secretary of the District shall call the house of delegates to order at the opening of each new legislative assembly, and shall preside over it until a temporary presiding officer shall have been chosen and shall have taken his seat. No member shall be expelled by either house except by a vote of two thirds of all the members appointed or elected to that house. Each house may punish by imprisonment any person not a member who



shall be guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but no such imprisonment shall extend beyond twenty-four hours at one time. Neither house shall, without the consent of the other, adjourn for more than two days, or to any other place than that in which such house shall be sitting. At the request of any member the yeas and nays shall be taken upon any question and entered upon the journal.

SEC. 11. *And be it further enacted*, That bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills the vote shall be by yeas and nays upon each bill separately, and shall be entered upon the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house.

SEC. 12. *And be it further enacted*, That every bill shall be read at large on three different days in each house. No act shall embrace more than one subject, and that shall be expressed in its title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be so expressed in the title; and no act of the legislative assembly shall take effect until thirty days after its passage, unless, in case of emergency, (which emergency shall be expressed in the preamble or body of the act,) the legislative assembly shall by a vote of two thirds of all the members appointed or elected to each house otherwise direct.

SEC. 13. *And be it further enacted*, That no money shall be drawn from the treasury of the District, except in pursuance of an appropriation made by law, and no bill making appropriations for the pay or salaries of the officers of the District government shall contain any provisions on any other subject.

SEC. 14. *And be it further enacted*, That each legislative assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government of the District until the expiration of the first fiscal quarter after the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two thirds of the members elected or appointed to each house as herein provided, nor exceed the amount of revenue authorized by law to be raised in such time, and all appropriations, general or special, requiring money to be paid out of the District treasury, from funds belonging to the District, shall end with such fiscal quarter; and no debt, by which the aggregate debt of the District shall exceed five per cent. of the assessed property of the District, shall be contracted, unless the law authorizing the same shall at a general election have been submitted to the people and have received a majority of the votes cast for members of the legislative assembly at such election. The legislative assembly shall provide for the publication of said law in at least two newspapers in the District for three months, at least, before the vote of the people shall be taken on the same, and provision shall be made in the act for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue, which law providing for the payment of such interest by such tax shall be irrevocable until such debt be paid: *Provided*, That the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

SEC. 15. *And be it further enacted*, That the legislative assembly shall never grant or authorize extra compensation, fee, or allowance to any public officer, agent, servant, or contractor, after service has been rendered or a contract made, nor authorize the payment of any claim, or part thereof, hereafter created against the District under any contract or agreement made, without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

SEC. 16. *And be it further enacted*, That the District shall never pay, assume, or become responsible for the debts or liabilities of, or in any manner give, loan, or extend its credit to or in aid of any public or other corporation, association, or individual.

SEC. 17. *And be it further enacted*, That the legislative assembly shall not pass special laws in any of the following cases, that is to say: For granting divorces; regulating the practice in courts of justice; regulating the jurisdiction or duties of justices of the peace, police magistrates, or constables; providing for changes of venue in civil or criminal cases, or swearing and impaneling jurors; remitting fines, penalties, or forfeitures; the sale or mortgage of real estate belonging to minors or others under disability; changing the law of descent; increasing or decreasing the fees of public officers during the term for which said officers are elected or appointed; granting to any corporation, association, or individual, any special or exclusive privilege, immunity, or franchise whatsoever. The legislative assembly shall have no power to release or extinguish, in whole or in part, the indebtedness, liability, or obligation of any corporation or individual to the District or to any municipal corporation therein, nor shall the legislative assembly have power to establish any bank of circulation, nor to authorize any company or individual to issue notes for circulation as money or currency.

SEC. 18. *And be it further enacted*, That the legislative power of the District shall extend to all rightful subjects of legislation within said District, consistent with the Constitution of the United States and the provisions of this act, subject, nevertheless, to all the restrictions and limitations imposed upon States by the tenth section of the first article of the Constitution of the United States; but all acts of the legislative assembly shall at all times be subject to repeal or modification by the Congress of the United States, and nothing herein shall be construed to deprive Congress of the power of legislation over said District in as ample manner as if this law had not been enacted.

SEC. 19. *And be it further enacted*, That no member of the legislative assembly shall hold or be appointed to any office, which shall have been created or the salary or emoluments of which shall have been increased while he was a member, during the term for which he was appointed or elected, and for one year after the expiration of such term; and no person holding any office of trust or profit under the government of the United States shall be a member of the legislative assembly.

SEC. 20. *And be it further enacted*, That the said legislative assembly shall not have power to pass any ex post facto law, nor law impairing the obligation



of contracts, nor to tax the property of the United States, nor to tax the lands or other property of non-residents higher than the lands or other property of residents; nor shall lands or other property in said district be liable to a higher tax, in any one year, for all general objects, territorial and municipal, then two dollars on every hundred dollars of the cash value thereof; but special taxes may be levied in particular sections, wards, or districts for their particular local improvements; nor shall said territorial government have power to borrow money or issue stock or bonds for any object whatever, unless specially authorized by an act of the legislative assembly, passed by a vote of two thirds of the entire number of the members of each branch thereof, but said debt in no case to exceed five per centum of the assessed value of the property of said District, unless authorized by a vote of the people, as *hereinafter* [hereinbefore] provided.

SEC. 21. *And be it further enacted*, That the property of that portion of the District not included in the corporations of Washington or Georgetown shall not be taxed for the purposes either of improving the streets, alleys, public squares, or other public property of the said cities, or either of them, nor for any other expenditure of a local nature, for the exclusive benefit of said cities, or either of them, nor for the payment of any debt heretofore contracted, or that may hereafter be contracted by either of said cities while remaining under a municipal government not coextensive with the District.

SEC. 22. *And be it further enacted*, That the property within the corporate limits of Georgetown shall not be taxed for the payment of any debt heretofore or hereafter to be contracted by the corporation of Washington, nor shall the property within the corporate limits of Washington be taxed for the payment of any debt heretofore or hereafter to be contracted by the corporation of Georgetown; and so long as said cities shall remain under distinct municipal governments, the property within the corporate limits of either of said cities shall not be taxed for the local benefit of the other; nor shall said cities, or either of them, be taxed for the exclusive benefit of the county outside of the limits thereof: *Provided*, That the legislative assembly may make appropriations for the repair of roads, or for the construction or repair of bridges outside the limits of said cities.

SEC. 23. *And be it further enacted*, That it shall be the duty of said legislative assembly to maintain a system of free schools for the education of the youth of said District, and all moneys raised by general taxation or arising from donations by Congress, or from other sources, except by request or devise, for school purposes, shall be appropriated for the equal benefit of all the youths of said District between certain ages, to be defined by law.

SEC. 24. *And be it further enacted*, That the said legislative assembly shall have power to provide for the appointment of as many justices of the peace and notaries public for said District as may be deemed necessary, to define their jurisdiction and prescribe their duties; but justices of the peace shall not have jurisdiction of any controversy in which the title of land may be in dispute, or in which the debt or sum claimed shall exceed one hundred dollars: *Provided*,



*however*, That all justices of the peace and notaries public now in commission shall continue in office till their present commissions expire, unless sooner removed pursuant to existing laws.

SEC. 25. *And be it further enacted*, That the judicial courts of said District shall remain as now organized until abolished or changed by act of Congress; but such legislative assembly shall have power to pass laws modifying the practice thereof, and conferring such additional jurisdiction as may be necessary to the due execution and enforcement of the laws of said District.

SEC. 26. *And be it further enacted*, That there shall be appointed by the President of the United States, by and with the advice and consent of the Senate, a board of health for said District, to consist of five persons, whose duty it shall be to declare what shall be deemed nuisances injurious to health, and to provide for the removal thereof; to make and enforce regulations to prevent domestic animals from running at large in the cities of Washington and Georgetown; to prevent the sale of unwholesome food in said cities; and to perform such other duties as shall be imposed upon said board by the legislative assembly.

SEC. 27. *And be it further enacted*, That the offices and duties of register of wills, recorder of deeds, United States attorney, and United States marshal for said District shall remain as under existing laws till modified by act of Congress; but said legislative assembly shall have power to impose such additional duties upon said officers, respectively, as may be necessary to the due enforcement of the laws of said District.

SEC. 28. *And be it further enacted*, That the said legislative assembly shall have power to create by general law, modify, repeal, or amend, within said District, corporations aggregate for religious, charitable, educational, industrial, or commercial purposes, and to define their powers and liabilities: *Provided*, That the powers of corporations so created shall be limited to the District of Columbia.

SEC. 29. *And be it further enacted*, That the legislative assembly shall define by law who shall be entitled to relief as paupers in said District, and shall provide by law for the support and maintenance of such paupers, and for that purpose shall raise the money necessary by taxation.

SEC. 30. *And be it further enacted*, That the legislative assembly shall have power to provide by law for the election or appointment of such ministerial officers as may be deemed necessary to carry into effect the laws of said District to prescribe their duties, their terms of office, and the rate and manner of their compensation.

SEC. 31. *And be it further enacted*, That the governor, secretary, and other officers to be appointed pursuant to this act, shall, before they act as such, respectively, take and subscribe an oath or affirmation before a judge of the supreme court of the District of Columbia, or some justice of the peace in the limits of said District, duly authorized to administer oaths or affirmations by the laws now in force therein, or before the Chief Justice or some associate

justice of the Supreme Court of the United States, to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; which said oaths, when so taken, shall be certified by the person before whom the same shall have been taken; and such certificates shall be received and recorded by the said secretary among the executive proceedings; and all civil officers in said District, before they act as such, shall take and subscribe a like oath or affirmation before the said governor or secretary, or some judge or justice of the peace of the District, who may be duly commissioned and qualified, or before the Chief Justice of the Supreme Court of the United States, which said oath or affirmation shall be certified and transmitted by the person administering the same to the secretary, to be by him recorded as aforesaid; and afterward the like oath or affirmation shall be taken and subscribed, certified and recorded in such manner and form as may be prescribed by law.

SEC. 32. *And be it further enacted*, That the governor, shall receive an annual salary of three thousand dollars; and the secretary shall receive an annual salary of two thousand dollars, and that the said salaries shall be paid quarter-yearly, from the dates of the respective appointments, at the treasury of the United States; but no payment shall be made until said officers shall have entered upon the duties of their respective appointments. The members of the legislative assembly shall be entitled to receive four dollars each per day during their actual attendance at the session thereof, and an additional allowance of four dollars per day shall be paid to the presiding officer of each house for each day he shall so preside. And a chief clerk, one assistant clerk, one engrossing and one enrolling clerk, and a sergeant-at-arms may be chosen for each house; and the chief clerk shall receive four dollars per day, and the said other officers three dollars per day, during the session of the legislative assembly: *Provided*, That there shall be but one session of the legislative assembly annually, unless, on an extraordinary occasion, the governor shall think proper to call the legislative assembly together. And the governor and secretary of the District shall, in the disbursement of all moneys appropriated by Congress and intrusted to them, be governed solely by the instructions of the Secretary of the Treasury of the United States, and shall semiannually account to the said Secretary for the manner in which the aforesaid moneys shall have been expended; and no expenditure shall be made by the said legislative assembly of funds appropriated by Congress, for objects not especially authorized by acts of Congress making the appropriations, nor beyond the sums thus appropriated for such objects.

SEC. 33. *And be it further enacted*, That the legislative assembly of the District of Columbia shall hold its first session at such time and place in said District as the governor thereof shall appoint and direct.

SEC. 34. *And be it further enacted*, That a delegate to the House of Representatives of the United States, to serve for the term of two years, who shall be a citizen of the United States and of the District of Columbia, and shall have the qualifications of a voter, may be elected by the voters qualified to elect members of the legislative assembly who shall be entitled to the same rights



and privileges as are exercised and enjoyed by the delegates from the several Territories of the United States to the House of Representatives, and shall also be a member of the committee for the District of Columbia; but the delegate first elected shall hold his seat only during the term of the Congress to which he shall be elected. The first election shall be held at the time and places and be conducted in such manner as the elections for members of the House of Representatives are conducted; and at all subsequent elections the time and places and the manner of holding the elections shall be prescribed by law. The person having the greatest number of legal votes shall be declared by the governor to be duly elected, and a certificate thereof shall be given accordingly; and the Constitution and all the laws of the United States, which are not locally inapplicable, shall have the same force and effect within the said District of Columbia as elsewhere within the United States.

SEC. 35. *And be it further enacted*, That all officers to be appointed by the President of the United States, by and with the advice and consent of the Senate, for the District of Columbia, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

SEC. 36. *And be it further enacted*, That there shall be a valuation taken in the District of Columbia of all real estate belonging to the United States in said District, except the public buildings, and the grounds which have been dedicated to the public use as parks and squares, at least once in five years, and return thereof shall be made by the governor to the President of the Senate and Speaker of the House of Representatives on the first day of the session of Congress held after such valuation shall be taken, and the aggregate of the valuation of private property in said District, whenever made by the authority of the legislative assembly, shall be reported to Congress by the governor: *Provided*, That all valuations of property belonging to the United States shall be made by such persons as the Secretary of the Interior shall appoint, and under such regulations as he shall prescribe.

SEC. 37. *All be it further enacted*, That there shall be in the District of Columbia a board of public works, to consist of the governor, who shall be president of said board; four persons, to be appointed by the President of the United States, by and with the advice and consent of the Senate, one of whom shall be a civil engineer, and the other citizens and residents of the District, having the qualifications of an elector therein; one of said board shall be a citizen and resident of Georgetown, and one of said board shall be a citizen and resident of the county outside of the cities of Washington and Georgetown. They shall hold office for the term of four years, unless sooner removed by the President of the United States. The board of public works shall have entire control of and make all regulations which they shall deem necessary for keeping in repair the streets, avenues, alleys, and sewers of the city, and all other works which may be intrusted to their charge by the legislative assembly or Congress. They shall disburse upon their warrant all moneys appropriated



by the United States, or the District of Columbia, or collected from property-holders, in pursuance of law, for the improvement of streets, avenues, alleys, and sewers, and roads and bridges, and shall assess in such manner as shall be prescribed by law, upon the property adjoining and to be specially benefited by the improvements authorized by law and made by them, a reasonable proportion of the cost of the improvement, not exceeding one third of such cost, which sum shall be collected as all other taxes are collected. They shall make all necessary regulations respecting the construction of private buildings in the District of Columbia, subject to the supervision of the legislative assembly. All contracts made by the said board of public works shall be in writing, and shall be signed by the parties making the same, and a copy thereof shall be filed in the office of the secretary of the District; and said board of public works shall have no power to make contracts to bind said District to the payment of any sums of money except in pursuance of appropriations made by law, and not until such appropriations shall have been made. All contracts made by said board in which any member of said board shall be personally interested shall be void, and no payment shall be made thereon by said District or any officers thereof. On or before the first Monday in November of each year, they shall submit to each branch of the legislative assembly a report of their transactions during the preceding year, and also furnish duplicates of the same to the governor, to be by him laid before the President of the United States for transmission to the two houses of Congress; and shall be paid the sum of two thousand five hundred dollars each annually.

SEC. 38. *And be it further enacted*, That the officers herein provided for, who shall be appointed by the President, by and with the advice and consent of the Senate, shall be paid by the United States by appropriations to be made by law as hereinbefore provided; and all other officers of said District provided for by this act shall be paid by the District: *Provided*, That no salary shall be paid to the governor as a member of the board of public works in addition to his salary as governor, nor shall any officer of the army appointed upon the board of public works receive any increase of pay for such service.

SEC. 39. *And be it further enacted*, That if, at any election hereafter held in the District of Columbia, any person shall knowingly personate and vote, or attempt to vote, in the name of any other person, whether living, dead, or fictitious, or vote more than once at the same election for any candidate for the same office, or vote at a place where he may not be entitled to vote, or vote without having a lawful right to vote, or do any unlawful act to secure a right or opportunity to vote for himself or any other person, or by force, threats, menace or intimidation, bribery, reward, or offer, or promise thereof, or otherwise unlawfully prevent any qualified voter of the District of Columbia from freely exercising the right of suffrage, or by any such means induce any voter to refuse to exercise such right, or compel or induce, by any such means or otherwise, any officer of any election in said District to receive a vote from a person not legally qualified or entitled to vote; or interfere in any manner with any officer of said elections in the discharge of his duties; or by any unlawful means induce any officer of an election, or officer whose duty it is to

ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty, or any law regulating the same; or knowingly and wilfully receive the vote of any person not entitled to vote, or refuse to receive the vote of any person entitled to vote; or aid, counsel, procure, or advise any such voter, person, or officer to do any act hereby made a crime, or to omit to do any duty the omission of which is hereby made a crime, or attempt to do so, every such person shall be deemed guilty of a crime, and shall for such crime be liable to prosecution in any court of the United States of competent jurisdiction, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or both, in the discretion of the court, and shall pay the costs of prosecution.

SEC. 40. *And be it further enacted*, That the charters of the cities of Washington and Georgetown shall be repealed on and after the first day of June, A. D. eighteen hundred and seventy-one, and all offices of said corporations abolished at that date; the levy court of the District of Columbia and all offices connected therewith shall be abolished on and after said first day of June, A. D. eighteen hundred and seventy-one; but all laws and ordinances of said cities, respectively, and of said levy court, not inconsistent with this act, shall remain in full force until modified or repealed by Congress or the legislative assembly of said District; that portion of said District included within the present limits of the city of Washington shall continue to be known as the city of Washington; and that portion of said District included within the limits of the city of Georgetown shall continue to be known as the city of Georgetown; and the legislative assembly shall have power to levy a special tax upon property, except the property of the government of the United States, within the city of Washington for the payment of the debts of said city; and upon property, except the property of the government of the United States, within the limits of the city of Georgetown for the payment of the debts of said city; and upon property, except the property of the government of the United States, within said District not included within the limits of either of said cities to pay any debts owing by that portion of said District: *Provided*, That the charters of said cities severally, and the powers of said levy court, shall be continued for the following purposes, to wit: For the collection of all sums of money due to said cities, respectively, or to said levy court; for the enforcement of all contracts made by said cities, respectively, or by said levy court, and all taxes, heretofore assessed, remaining unpaid; for the collection of all just claims against said cities, respectively, or against said levy court; for the enforcement of all legal contracts against said cities, respectively, or against said levy court, until the affairs of said cities, respectively, and of said levy court, shall have been fully closed; and no suit in favor of or against said corporations, or either of them, shall abate by reason of the passage of this act, but the same shall be prosecuted to final judgment as if this act had not been passed.

SEC. 41. *And be it further enacted*, That there shall be no election holden for mayor or members of the common council of the city of Georgetown prior to the



first day of June, eighteen hundred and seventy-one, but the present mayor and common council of said city shall hold their offices until said first day of June next. No taxes for general purposes shall hereafter be assessed by the municipal authorities of the cities of Washington or Georgetown, or by said levy court. And upon the repeal of the charters of the cities of Washington and Georgetown, the District of Columbia be, and is hereby, declared to be the successor of said corporations, and all the property of said corporations, and of the county of Washington, shall become vested in the said District of Columbia, and all fines, penalties, costs, and forfeitures, which are now by law made payable to said cities, respectively, or said levy court, shall be paid to said District of Columbia, and the salaries of the judge and clerk of the police court, the compensation of the deputy clerk and bailiffs of said police court, and of the marshal of the District of Columbia shall be paid by said District: *Provided*, That the moneys collected upon the judgments of said police court, or so much thereof as may be necessary, shall be applied to the payment of the salaries of the judge and other officers of said court, and to the payment of the necessary expenses thereof, and any surplus remaining after paying the salaries, compensation, and expenses aforesaid, shall be paid into the treasury of the District at the end of every quarter.

## TEMPORARY ORGANIC ACT OF 1874

### An Act For the Government of the District of Columbia, and for Other Purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That all provisions of law providing for an executive, for a secretary for the District, for a legislative assembly, for a board of public works, and for a Delegate in Congress in the District of Columbia are hereby repealed: *Provided*, That this repeal shall not affect the term of office of the present Delegate in Congress.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint a commission, consisting of three persons, who shall, until otherwise provided by law, exercise all the power and authority now lawfully vested in the governor or board of public works of said District, except as hereinafter limited; and shall be subject to all the restrictions and limitations now imposed by law on said governor or board; and shall have power to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and to the payment of the debts of said District secured by a pledge of the securities of said District or board of public works as collateral, and also to the payment of debts due to laborers and employees of the District and board of public works; and for that purpose shall take possession and supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia and the board of public works, and exercise the power and authority aforesaid; but said



commission, in the exercise of such power or authority, shall make no contract, nor incur any obligation other than such contracts and obligations as may be necessary to the faithful administration of the valid laws enacted for the government of said District, to the execution of existing legal obligations and contracts, and to the protection or preservation of improvements existing, or commenced and not completed, at the time of the passage of this act. All taxes heretofore lawfully assessed and due or to become due shall be collected pursuant to law, except as herein otherwise provided; but said commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes, or evidence thereof: *Provided*, That nothing in this clause contained shall affect any provisions of law authorizing or requiring a deposit of certificates of assessment with the sinking-fund commissioners of said District; and said commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office authorized by law; and the compensation of all officers and employees, except teachers in the public schools, and officers and employees in the fire department, shall be reduced twenty per centum per annum. Said commissioners shall each, before entering upon the discharge of his duties, take an oath to support the Constitution of the United States and to faithfully discharge the duties imposed upon him by law; and shall each give bond in the penal sum of fifty thousand dollars, to be approved by the Secretary of the Treasury, for the faithful discharge of the duties of his office; and shall each receive for his services a compensation at the rate of five thousand dollars per annum: *Provided*, That nothing in this act shall be construed to abate or in any wise interfere with any suit pending in favor of or against the District of Columbia: *And provided further*, That in suits hereafter commenced against the District of Columbia, process may be served on any one of said commissioners, until otherwise provided by law.

SEC. 3. That the President of the United States shall detail an officer of the Engineer Corps of the Army of the United States, who shall, subject to the general supervision and direction of the said board of commissioners, have the control and charge of the work of repair and improvement of all streets, avenues, alleys, sewers, roads, and bridges of the District of Columbia; and he is hereby vested with all the power and authority of, and shall perform the duties heretofore devolved upon, the chief engineer of the board of public works. He shall take possession of, and preserve and keep, all the instruments pertaining to said office, and all the maps, charts, surveys, books, records, and papers relating to said District, or to any of the avenues, streets, alleys, public spaces, squares, lots and buildings thereon, sewers, or any of them, as are now in or belonging to the office of said engineer of the board of public works, and shall, in books provided for that purpose, keep and preserve the records now required to be kept, and such as may be required by regulations of said board. He may, with the advice and consent of said board of commissioners, appoint not more than two assistant engineers from civil life, who shall each receive a salary of one thousand eight hundred dollars per annum, and shall be subject to his direction and control. He shall receive no additional compensation for

such services. And he shall not be deemed by reason of anything in this act contained to hold a civil office under the laws of the United States. And no salary or compensation shall be paid to the surveyor of the District, or any of his subordinates, except such fees for special services as are allowed by law. And the offices of assistant surveyor and additional assistant surveyor of the District of Columbia are hereby abolished.

SEC. 4. That for the support of the government of the District of Columbia, and maintaining the credit thereof, for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, there shall be levied upon all real estate in said District, except that belonging to the United States and to the District of Columbia, and that used for educational and charitable purposes, the following taxes, namely: Upon all such real estate in the city of Washington, three dollars on each one hundred dollars of the present assessed value thereof; upon all such real estate in the city of Georgetown, two dollars and fifty cents on each one hundred dollars of the present assessed value thereof; and upon all such real estate in the District of Columbia outside of the cities of Washington and Georgetown, two dollars on each one hundred dollars of the present assessed value thereof: which said taxes shall become due and payable on the first day of November, eighteen hundred and seventy-four, and, if not paid, shall be in arrears and delinquent from that date; and shall, except as herein modified, be assessed and collected as now provided by law for the assessment and collection of general taxes for the District of Columbia; and of the sums so collected, one fourth thereof shall be applied, first, to re-imburse the United States for its advances on account of interest, which shall have been paid by the United States on the funded debt of the District of Columbia and Washington and Georgetown, due and payable July first, eighteen hundred and seventy-four; and the remainder shall be used to pay deficiencies in the various funds for the fiscal year ending June thirtieth, eighteen hundred and seventy-four. And all the remainder of said taxes not required for the aforesaid purposes shall be distributed for the purposes and in the proportions provided by the act of the legislative assembly of the District of Columbia, approved June twenty-sixth, eighteen hundred and seventy-three, entitled "An act imposing taxes for the fiscal year ending June thirtieth, eighteen hundred and seventy-four," so far as said apportionment is not inconsistent with this act: *Provided*, That no evidence of debt issued by the District of Columbia, or any branch thereof, or by the board of public works, shall in any manner be received in payment for said taxes: *And provided further*, That no payment shall be made on account of the militia of said District, or for the purpose of erecting a District jail. Upon all payments of said taxes hereby imposed which shall be made in advance of the said first day of November, eighteen hundred and seventy-four, there shall be an abatement allowed of one per centum per month for each and every month so paid in advance; and that upon all said taxes which shall be delinquent and unpaid on said first day of November, there shall be added a penalty of one per centum to the amount thereof, to be collected with such taxes; and a like penalty of one per centum upon the amount thereof shall be added on the first day of each succeeding month to all



of said taxes as are then delinquent and unpaid, to be collected as aforesaid. It shall be the duty of the collector of taxes to prepare a complete list of all taxes and property upon which the same are assessed in arrears on the first day of March next, and shall, within ten days thereafter, publish the same, with the notice of sale, in a newspaper published in said District, to be designated by said board of commissioners, for the time and in the manner required by the provisions of the act of the legislative assembly entitled "An act prescribing the duties of certain officers for the District of Columbia, and fixing their compensation," approved August twenty-third, eighteen hundred and seventy-one. And all the provisions of said act as to the sale of property and the collection of taxes in arrears are hereby made applicable to the taxes hereby imposed and in arrears as aforesaid, except that the deed conveying the property so sold shall be executed by the said board of commissioners instead of the governor and the secretary.

SEC. 5. That a joint select committee shall be appointed, consisting of two Senators, to be appointed by the presiding officer of the Senate, and two members of the House, to be appointed by the Speaker of the House of Representatives, whose duty it shall be to prepare a suitable frame of government for the District of Columbia and appropriate draughts of statutes to be enacted by Congress for carrying the same into effect, and report the same to the two Houses, respectively, on the first day of the next session thereof; and they shall also prepare and submit to Congress a statement of the proper proportion of the expenses of said government, or any branch thereof, including interest on the funded debt, which should be borne by said District and the United States, respectively, together with the reasons upon which their conclusions may be based; and in the discharge of the duty hereby imposed, said committee is authorized to employ such assistance as it may deem advisable, at an expense not to exceed the sum of five thousand dollars; and said sum or so much thereof as may be necessary, be, and the same is hereby, appropriated for that purpose.

SEC. 6. That it shall be the duty of the First Comptroller of the Treasury and the Second Comptroller of the Treasury of the United States, who are hereby constituted a board of audit, to examine and audit for settlement all the unfunded or floating debt of the District of Columbia and of the board of public works, hereinafter specified, namely: first, the debt evidenced by sewer certificates; secondly, the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works; thirdly, the debt evidenced by the certificates of the auditor and the comptroller of the District of Columbia; fourthly, claims existing or hereafter created for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by the board of public works; fifthly, claims, for which no evidence of indebtedness has been issued, arising out of contracts, written or oral, made by or on behalf of the District of Columbia; sixthly, all claims for private property taken by the board of public works from the avenues, streets, and alleys of the cities of Washington and Georgetown; and, seventhly, all unadjusted claims for damages that may have been presented to the board of public



works, pursuant to an act of the legislative assembly of the District of Columbia, entitled "An act providing for the payment of damages sustained by reason of public improvements or repairs," approved June twentieth, eighteen hundred and seventy-two, which last-named claims shall severally be examined and audited without regard to any examination heretofore made; and shall make a detailed and tabular statement of all claims presented, the persons or corporations owning the same, and the amount found to be due on account of each; together with a tabular statement of the funded debt of the District of Columbia and of the cities of Washington and Georgetown of every kind and character whatsoever, giving the date of issue, time of maturity, and the rate of interest. And it shall further be the duty of said board to ascertain the amount of sewer-tax or assessment paid by any person, persons, or corporation, under the act of the legislative assembly of said District, entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments, and issuing certificates therefor," approved the twenty-sixth day of June, eighteen hundred and seventy-three, and to prepare a tabulated statement thereof. Said board of audit shall also issue to each claimant a certificate, signed by each of said board and countersigned by the comptroller of said District, stating the amount found to be due to each and on what account; and a register thereof shall be kept by said board, to be transmitted to Congress, and also by the comptroller of said District; and said board of audit shall also ascertain and report to Congress, at the next session thereof, the amount equitably chargeable to the street-railroad companies on account of paving along and within the tracks of said companies, pursuant to the charters of said companies or the acts of Congress relating thereto, together with their reasons therefor. It shall further be the duty of said board of audit to examine into and audit all of the accounts of the auditor and of the treasurer of the board of public works, and of the auditor, the treasurer, the collector, and the comptroller of the District of Columbia, from the date of the organization of said board and of the present government of said District; and for the purposes hereinbefore specified shall have the power to subpoena witnesses, administer oaths, and examine witnesses under oath, and shall have full access to all of the records, books, papers, and vouchers of every kind whatsoever of the board of public works and of the District of Columbia; and to the end that said books and accounts may be thoroughly examined, and the indebtedness of said District, and of the board of public works, and the state of the books and accounts of each of the officers aforesaid, may be accurately ascertained, shall employ one or more skillful and impartial accountants non-resident of the District of Columbia, and such other assistants as they may deem necessary, to make examination of said books, vouchers, and papers, and discharge their other duties under this act, and shall procure inspection of such bank books and papers as may be necessary; and they are hereby authorized to allow for the services of such accountant or accountants and assistants such sums as they may deem proper which shall be paid by the Board of Commissioners out of the revenues of said District. And said accountant or accountants shall take an oath to faithfully

discharge the duties imposed by this act. Said board of audit shall give notice for the presentation of the claims hereinbefore specified in such manner as may be deemed necessary; and no claim shall be audited or allowed unless presented within ninety days after the first publication of such notice, and said board shall make full report of all their acts and proceedings to the President, to be by him transmitted to Congress on the first day of the next session thereof. Each of the said officers constituting said board shall be paid the sum of two thousand dollars for his services under this act, out of the funds of said District, in addition to his present compensation.

SEC. 7. That the sinking-fund commissioners of said District are hereby continued; and it shall be the duty of said sinking fund commissioners to cause bonds of the District of Columbia to be prepared, in sums of fifty and five hundred dollars, bearing date August first, eighteen hundred and seventy-four, payable fifty years after date, bearing interest at the rate of three and sixty-five hundredths per centum per annum, payable semiannually, to be signed by the secretary and the treasurer of said sinking-fund commissioners and countersigned by the comptroller of said District, and sealed as the board may direct; which bonds shall be exempt from taxation by Federal, State, or municipal authority, engraved and printed at the expense of the District of Columbia, and in form not inconsistent herewith. And the faith of the United States is hereby pledged that the United States will, by proper proportional appropriations as contemplated in this act, and by causing to be levied upon the property within said District such taxes as will provide the revenues necessary to pay the interest on said bonds as the same may become due and payable, and create a sinking-fund for the payment of the principal thereof at maturity. Said bonds shall be numbered consecutively, and registered in the office of the comptroller of said District, and shall also be registered in the office of the Register of the Treasury of the United States, for which last named registration the Secretary of the Treasury shall make such provision as may be necessary. And said commissioners shall use all necessary means for the prevention of any unauthorized or fraudulent issue of any such bonds. And the said sinking-fund commissioners are hereby authorized to exchange said bonds at par for like sums of any class of indebtedness in the preceding section of this act named, including sewer taxes or assessments paid, evidenced by certificates of the auditing board provided for in this act.

SEC. 8. That the authority conferred on the board of public works to issue additional certificates of indebtedness by section four of the act of the legislative assembly approved on the twenty-ninth day of May, eighteen hundred and seventy-three, is hereby annulled. No property shall be advertised for sale or sold for the collection of any assessment authorized by the legislative assembly by the act entitled "An act creating drainage and sewerage sections in the cities of Washington and Georgetown, in the District of Columbia, and providing for the payment of the construction of sewers and drains therein by assessments and issuing certificates therefor" approved on the twenty-sixth day of June, eighteen hundred and seventy-three, until otherwise ordered by Congress; and it shall be unlawful to issue any further certificates of indebtedness authorized by said act.



SEC. 9. That no board or commission of which the governor is ex officio a member (the board of public works excepted) shall be abolished by this act, but the members of the same, other than the governor, shall constitute such board or commission.

SEC. 10. That the act of the legislative assembly of the District of Columbia entitled "An act to fund unsettled liabilities of the city of Washington, and providing for the issuing of the bonds, and levying and collecting taxes to pay the same" approved June twentieth, eighteen hundred and seventy-two, is hereby ratified and approved; but none of the bonds authorized by said act remaining unsold shall be negotiated or sold at less than par. (Approved, June 20, 1874, 18 Stat. 116, ch. 337.)

## **ORGANIC ACT OF 1878 OF THE DISTRICT OF COLUMBIA**

### **An Act Providing a Permanent Form of Government for the District of Columbia**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all the territory which was ceded by the State of Maryland to the Congress of the United States for the permanent seat of the government of the United States shall continue to be designated as the District of Columbia. Said District and the property and persons that may be therein shall be subject to the following provisions for the government of the same, and also to any existing laws applicable thereto not hereby repealed or inconsistent with the provisions of this act. The District of Columbia shall remain and continue a municipal corporation, as provided in section two of the Revised Statutes relating to said District, and the Commissioners herein provided for shall be deemed and taken as officers of such corporation; and all laws now in force relating to the District of Columbia not inconsistent with the provisions of this act shall remain in full force and effect.

SEC. 2. That within twenty days after the approval of this act the President of the United States, by and with the advice and consent of the Senate, is hereby authorized to appoint two persons, who, with an officer of the Corps of Engineers of the United States Army, whose lineal rank shall be above that of captain, shall be commissioners of the District of Columbia, and who, from and after July first, eighteen hundred and seventy-eight, shall exercise all the powers and authority now vested in the Commissioners of said District, except as are hereinafter limited or provided, and shall be subject to all restrictions and limitations and duties which are now imposed upon said Commissioners. The Commissioner who shall be an officer detailed, from time to time, from the Corps of Engineers, by the President, for this duty, shall not be required to perform any other, nor shall he receive any other compensation than his regular pay and allowances as an officer of the Army. The two persons appointed from civil life shall, at the time of their appointment, be citizens of the United States, and shall have been actual residents of the District of



Columbia for three years next before their appointment, and have, during that period, claimed residence nowhere else, and one of said three Commissioners shall be chosen president of the Board of Commissioners at their first meeting, and annually and whenever a vacancy shall occur, thereafter; and said Commissioners shall each of them, before entering upon the discharge of his duties, take an oath or affirmation to support the Constitution of the United States, and to faithfully discharge the duties imposed upon him by law; and said Commissioners appointed from civil life, shall each receive for his services a compensation at the rate of five thousand dollars per annum. The official term of said Commissioners appointed from civil life shall be three years, and until their successors are appointed and qualified; but the first appointment shall be one Commissioner for one year and one for two years, and at the expiration of their respective terms their successors shall be appointed for three years. Neither of said Commissioners, nor any officer whatsoever of the District of Columbia, shall be accepted as surety upon any bond required to be given to the District of Columbia; nor shall any contractor be accepted as surety for any officer or other contractor in said District.

The said Commissioners are hereby authorized and empowered to determine which officers and employees of the District of Columbia, or which positions occupied or to be occupied by such officers and employees, shall hereafter be bonded for the faithful discharge of the duties of such officers and employees or of such positions, and to fix the penalty or penalties of any such bond: *Provided*, That this power of the Commissioners shall not apply to officers and employees who receive, disburse, account for, or otherwise are responsible for the handling of money, and whose bonds are now fixed by law. The provisions of the act of Congress entitled "An Act making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and nine, and for other purposes," approved August 5, 1909 (36 Stat. 118, 125), relating to rates of premiums for bonds for officers and employees of the United States shall be, and are hereby, made applicable to the rates of premiums for bonds of officers and employees of the government of the District of Columbia. (Amended June 28, 1935, 49 Stat. 430, ch. 332, § 1; July 7, 1955, 69 Stat. 281, ch. 280, § 1.)

SEC. 3. That as soon as the Commissioners appointed and detailed as aforesaid shall have taken and subscribed the oath or affirmation hereinbefore required, all the powers, rights, duties, and privileges lawfully exercised by, and all property, estate, and effects now vested by law in the Commissioners appointed under the provisions of the act of Congress approved June twentieth, eighteen hundred and seventy-four, shall be transferred to and vested in and imposed upon said Commissioners; and the functions of the Commissioners so appointed under the act of June twentieth, eighteen hundred and seventy-four, shall cease and determine. And the Commissioners of the District of Columbia shall have power, subject to the limitations and provisions herein contained, to apply the taxes or other revenues of said District to the payment of the current expenses thereof, to the support of the public schools, the fire department, and the police, and for that purpose shall take possession and

supervision of all the offices, books, papers, records, moneys, credits, securities, assets, and accounts belonging or appertaining to the business or interests of the government of the District of Columbia, and exercise the duties, powers, and authority aforesaid; but said Commissioners, in the exercise of such duties, powers, and authority, shall make no contract, nor incur any obligation other than such contracts and obligations as are hereinafter provided for and shall be approved by Congress. The Commissioners shall have power to locate the places where hacks shall stand and change them as often as the public interests require. Any person violating any orders lawfully made in pursuance of this power shall be subject to a fine of not less than ten nor more than one hundred dollars, to be recovered before any justice of the peace in an action in the name of the Commissioners. All taxes heretofore lawfully assessed and due, or to become due, shall be collected pursuant to law, except as herein otherwise provided; but said Commissioners shall have no power to anticipate taxes by a sale or hypothecation of any such taxes or evidences thereof, but they may borrow, for the first fiscal year after this act takes effect, in anticipation of collection of revenues, not to exceed two hundred thousand dollars, at a rate of interest not exceeding five per centum per annum, which shall be repaid out of the revenues of that year. And said Commissioners are hereby authorized to abolish any office, to consolidate two or more offices, reduce the number of employees, remove from office, and make appointments to any office under them authorized by law; said Commissioners shall have power to erect light, and maintain lamp-posts, with lamps, outside of the city limits, when, in their judgment, it shall be deemed proper or necessary: *Provided*, That nothing in this act contained shall be construed to abate in any wise or interfere with any suit pending in favor of or against the District of Columbia or the Commissioners thereof, or affect any right, penalty, forfeiture, or cause of action existing in favor of said District or Commissioners, or any citizen of the District of Columbia, or any other person, but the same may be commenced, proceeded for, or prosecuted to final judgment, and the corporation shall be bound thereby as if the suit had been originally commenced for or against said corporation. The said Commissioners shall submit to the Secretary of the Treasury for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and annually thereafter, for his examination and approval, a statement showing in detail the work proposed to be undertaken by them during the fiscal year next ensuing, and the estimated cost thereof; also the cost of constructing, repairing, and maintaining all bridges authorized by law across the Potomac River within the District of Columbia, and also all other streams in said District; the cost of maintaining all public institutions of charity, reformatories, and prisons belonging to or controlled wholly or in part by the District of Columbia, and which are now by law supported wholly or in part by the United States or District of Columbia; and also the expenses of the Washington Aqueduct and its appurtenances; and also an itemized statement and estimate of the amount necessary to defray the expenses of the government of the District of Columbia for the next fiscal year: *Provided*, That nothing herein contained shall be construed as transferring from the United States authorities any of the public works within the District of Columbia now



in the control or supervision of said authorities. The Secretary of the Treasury shall carefully consider all estimates submitted to him as above provided, and shall approve, disapprove, or suggest such changes in the same, or any item thereof, as he may think the public interest demands; and after he shall have considered and passed upon such estimates submitted to him, he shall cause to be made a statement of the amount approved by him and the fund or purpose to which each item belongs, which statement shall be certified by him, and delivered, together with the estimates as originally submitted, to the Commissioners of the District of Columbia, who shall transmit the same to Congress. To the extent to which Congress shall approve of said estimates, Congress shall appropriate the amount of fifty per centum thereof; and the remaining fifty per centum of such approved estimates shall be levied and assessed upon the taxable property and privileges in said District other than the property of the United States and of the District of Columbia; and all proceedings in the assessing, equalizing, and levying of said taxes, the collection thereof, the listing return and penalty for taxes in arrears, the advertising for sale and the sale of property for delinquent taxes, the redemption thereof, the proceedings to enforce the lien upon unredeemed property, and every other act and thing now required to be done in the premises, shall be done and performed at the times and in the manner now provided by law, except in so far as is otherwise provided by this act: *Provided*, That the rate of taxation in any one year shall not exceed one dollar and fifty cents on every one hundred dollars of real estate not exempted by law; and on personal property not taxable elsewhere, one dollar and fifty cents on every one hundred dollars, according to the cash valuation thereof: *And provided further*, Upon real property held and used exclusively for agricultural purposes, without the limits of the cities of Washington and Georgetown, and to be so designated by the assessors in their annual returns, the rate for any one year shall not exceed one dollar on every one hundred dollars. The collector of taxes, upon the receipt of the duplicate of assessment, shall give notice for one week, in one newspaper published in the city of Washington, that he is ready to receive taxes; and any person who shall, within thirty days after such notice given, pay the taxes assessed against him, shall be allowed by the collector a deduction of five per centum on the amount of his tax; all penalties imposed by the act approved March third, eighteen hundred and seventy-seven, chapter one hundred and seventeen, upon delinquents for default in the payment of taxes levied under said act, at the times specified therein, shall, upon payment of the said taxes assessed against such delinquents within three months from the passage of this act, with interest at the rate of six per centum thereon, be remitted.

SEC. 4. That the said Commissioners may, by general regulations consistent with the act of Congress of March third, eighteen hundred and seventy-seven, entitled "An act for the support of the government of the District of Columbia for the fiscal year ending June thirtieth, eighteen hundred and seventy-eight, and for other purposes," or with other existing laws, prescribe the time or times for the payment of all taxes and the duties of assessors and collectors in relation thereto. All taxes collected shall be paid into the Treasury of the



United States, and the same, as well as the appropriations to be made by Congress as aforesaid shall be disbursed for the expenses of said District, on itemized vouchers, which shall have been audited and approved by the auditor of the District of Columbia, certified by said Commissioners, or a majority of them; and the accounts of said Commissioners, and the tax-collectors, and all other officers required to account, shall be settled and adjusted by the accounting officers of the Treasury Department of the United States. Hereafter the Secretary of the Treasury shall pay the interest on the three-sixty-five bonds of the District of Columbia issued in pursuance of the act of Congress approved June twentieth, eighteen hundred and seventy-four, when the same shall become due and payable; and all amounts so paid shall be credited as a part of the appropriation for the year by the United States toward the expenses of the District of Columbia, as hereinbefore provided.

SEC. 5. That hereafter when any repairs of streets, avenues, alleys, or sewers within the District of Columbia are to be made, or when new pavements are to be substituted in place of those worn out, new ones laid, or new streets opened, sewers built, or any works the total cost of which shall exceed the sum of one thousand dollars, notice shall be given in one newspaper in Washington and if the total cost shall exceed five thousand dollars, then in one newspaper in each of the cities of New York, Philadelphia, and Baltimore also for one week, for proposals, with full specifications as to materials for the whole or any portion of the works proposed to be done; and the lowest responsible proposal for the kind and character of pavement or other work which the Commissioners shall determine upon shall in all cases be accepted: *Provided, however,* That the Commissioners shall have the right, in their discretion, to reject all of such proposals: *Provided,* That work capable of being executed under a single contract shall not be subdivided so as to reduce the sum of money to be paid therefor to less than one thousand dollars. All contracts for the construction, improvement, alteration, or repairs of the streets, avenues, highways, alleys, gutters, sewers, and all work of like nature shall be made and entered into only by and with the official unanimous consent of the Commissioners of the District, and all contracts shall be copied in a book kept for that purpose and be signed by the said Commissioners, and no contract involving an expenditure of more than one hundred dollars shall be valid until recorded and signed as aforesaid. No pavement shall be accepted nor any pavement laid except that of the best material of its kind known for that purpose, laid in the most substantial manner; and good and sufficient bonds to the United States, in a penal sum not less than the amount of the contract, with sureties to be approved by the Commissioners of the District of Columbia, shall be required from all contractors, guaranteeing that the terms of their contracts shall be strictly and faithfully performed to the satisfaction of and acceptance by said Commissioners; and that the contractors shall keep new pavements or other new works in repair for a term of five years from the date of the completion of their contracts; and ten per centum of the cost of all new works shall be retained as an additional security and a guarantee fund to keep the same in repair for said term, which said per centum shall be invested in registered

bonds of the United States or of the District of Columbia and the interest thereon paid to said contractors. The cost of laying down said pavement, sewers, and other works, or of repairing the same, shall be paid for in the following proportions and manner, to wit: When any street or avenue through which a street railway runs shall be paved, such railway company shall bear all of the expense for that portion of the work lying between the exterior rails of the tracks of such roads, and for a distance of two feet from and exterior to such track or tracks on each side thereof, and of keeping the same in repair; but the said railway companies, having conformed to the grades established by the Commissioners, may use such cobblestone or Belgian blocks for paving their tracks, or the space between their tracks, as the Commissioners may direct; the United States shall pay one half of the cost of all work done under the provisions of this section, except that done by the railway companies, which payment shall be credited as part of the fifty per centum which the United States contributes toward the expenses of the District of Columbia for that year; and all payments shall be made by the Secretary of the Treasury on the warrant or order of the Commissioners of the District of Columbia or a majority thereof, in such amounts and at such times as they may deem safe and proper in view of the progress of the work: That if any street railway company shall neglect or refuse to perform the work required by this act, said pavement shall be laid between the tracks and exterior thereto of such railway by the District of Columbia; and if such company shall fail or refuse to pay the sum due from them in respect of the work done by or under the orders of the proper officials of said District in such case of the neglect or refusal of such railway company to perform the work required as aforesaid, the Commissioners of the District of Columbia shall issue certificates of indebtedness against the property, real or personal, of such railway company, which certificates shall bear interest at the rate of ten per centum per annum until paid, and which, until they are paid, shall remain and be a lien upon the property on or against which they are issued together with the franchise of said company; and if the said certificates are not paid within one year, the said Commissioners of the District of Columbia may proceed to sell the property against which they are issued, or so much thereof as may be necessary to pay the amount due, such sale to be first duly advertised daily for one week in some newspaper published in the city of Washington, and to be at public auction to the highest bidder. When street railways cross any street or avenue, the pavement between the tracks of such railway shall conform to the pavement used upon such street or avenue, and the companies owning these intersecting railroads shall pay for such pavements in the same manner and proportion as required of other railway companies under the provisions of this section. It shall be the duty of the Commissioners of the District of Columbia to see that all water and gas mains, service pipes, and sewer connections are laid upon any street or avenue proposed to be paved or otherwise improved before any such pavement or other permanent works are put down; and the Washington Gas Light Company, under the direction of said Commissioners, shall at its own expense take up, lay, and replace all gas mains on any street or avenue to be paved, at such time and place as said Commissioners shall direct. The President of the United



States may detail from the Engineer Corps of the Army not more than two officers, of rank subordinate to that of the engineer officer belonging to the Board of Commissioners of said District to act as assistants to said Engineer Commissioner, in the discharge of the special duties imposed upon him by the provisions of this act.

SEC. 6. That from and after the first day of July, eighteen hundred and seventy-eight, the board of metropolitan police and the board of school trustees shall be abolished; and all the powers and duties now exercised by them shall be transferred to the said Commissioners of the District of Columbia, who shall have authority to employ such officers and agents and to adopt such provisions as may be necessary to carry into execution the powers and duties devolved upon them by this act. And the Commissioners of the District of Columbia shall from time to time appoint nineteen persons, actual residents of said District of Columbia, to constitute the trustees of public schools of said District, who shall serve without compensation and for such terms as said Commissioners shall fix. Said trustees shall have the powers and perform the duties in relation to the care and management of the public schools which are now authorized by law.

SEC. 7. That the offices of sinking-fund commissioners are hereby abolished; and all duties and powers possessed by said commissioners are transferred to, and shall be exercised by, the Treasurer of the United States, who shall perform the same in accordance with the provisions of existing laws.

SEC. 8. That in lieu of the board of health now authorized by law, the Commissioners of the District of Columbia shall appoint a physician as health-officer, whose duty it shall be, under the direction of the said Commissioners, to execute and enforce all laws and regulations relating to the public health and vital statistics, and to perform all such duties as may be assigned to him by said Commissioners; and the board of health now existing shall, from the date of the appointment of said health officer, be abolished.

SEC. 9. That there may be appointed by the Commissioners of the District of Columbia, on the recommendation of the health-officer, a reasonable number of sanitary inspectors for said District, not exceeding six, to hold such appointment at any one time, of whom two may be physicians, and one shall be a person skilled in the matters of drainage and ventilation; and said Commissioners may remove any of the subordinates, and from time to time may prescribe the duties of each; and said inspectors shall be respectively required to make, at least once in two weeks, a report to said health-officer, in writing, of their inspections, which shall be preserved on file; and said health-officer shall report in writing annually to said Commissioners of the District of Columbia, and so much oftener as they shall require.

SEC. 10. That the Commissioners may appoint, on the like recommendation of the health-officer, a reasonable number of clerks, but no greater number shall be appointed, and no more persons shall be employed under said health-officer, than the public interests demand and the appropriation shall justify.



SEC. 11. That the salary of the health-officer shall be three thousand dollars per annum; and the salary of the sanitary inspectors shall not exceed the sum of one thousand two hundred dollars per annum each; and the salary of the clerks and other assistants of the health-officer shall not exceed in the aggregate the amount of seven thousand dollars, to be apportioned as the Commissioners of the District of Columbia may deem best.

SEC. 12. That it shall be the duty of the said Commissioners to report to Congress at the next session succeeding their appointment a draft of such additional laws or amendments to existing laws as in their opinion are necessary for the harmonious working of the system hereby adopted, and for the effectual and proper government of the District of Columbia; and said Commissioners shall annually report their official doings in detail to Congress on or before the first Monday of December.

SEC. 13. That there shall be no increase of the present amount of the total indebtedness of the District of Columbia; and any officer or person who shall knowingly increase, or aid or abet in increasing, such total indebtedness, except to the amount of the two hundred thousand dollars, as authorized by this act, shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by imprisonment not exceeding ten years, and by fine not exceeding ten thousand dollars.

SEC. 14. Repealed. Dec. 24, 1942, 56 Stat. 1091, ch. 826, § 7 (d).

SEC. 15. That all laws inconsistent with the provisions of this act be, and the same are hereby, repealed. (Approved, June 11, 1878, 20 Stat. 102, ch. 180.)

## **RETROCESSION OF BATTERY COVE**

### **An Act Providing for the Cession to the State of Virginia of Sovereignty Over A Tract of Land Located At Battery Cove, Near Alexandria, Virginia**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That all that part of the territory of the District of Columbia situated on the Virginia side of the Potomac River at Alexandria, Virginia, lying and being between a line drawn from Jones Point, at low-water mark, to Point Lumley, now Pioneer Mills, at low-water mark, and high-water mark on the Virginia shore of the Potomac River at Alexandria, containing an area of forty-six and fifty-seven one-hundredths acres of made land, more or less, be, and the same is hereby, ceded to and declared to be within the territorial boundaries, jurisdiction, and sovereignty of the state of Virginia: *Provided, however,* That this Act shall not be construed to waive or relinquish the title of the United States to the fee of the forty-six and fifty-seven one-hundredths acres of made land in Battery Cove nor as relinquishing or in any manner affecting the power of Congress to exercise exclusive legislation over the said area so long as the same remains in the

ownership and possession of the United States: *And provided further*, That this Act shall not be construed to affect, impair, surrender, waive, or defeat any claim, right, or remedy, either at law or in equity, of the United States against the Virginia Shipbuilding Corporation for or on account of any debt or obligation of said company to the United States or that hereafter may be ascertained to be due by said company to the United States, by any court of competent jurisdiction of the parties and of the subject matter in any suit now pending or that may hereafter be instituted by the United States against the Virginia Shipbuilding Corporation.

## **BOUNDARY LINE BETWEEN THE DISTRICT OF COLUMBIA AND THE COMMON- WEALTH OF VIRGINIA**

SECTION 101. The boundary line between the District of Columbia and the Commonwealth of Virginia is hereby established as follows: Said boundary line shall begin at a point where the northwest boundary of the District of Columbia intercepts [intersects] the high-water mark on the Virginia shore of the Potomac River and following the present mean high-water mark; thence in a southeasterly direction along the Virginia shore of the Potomac River to Little River, along the Virginia shore of Little River to Boundary Channel, along the Virginia side of Boundary Channel to the main body of the Potomac River, along the Virginia side of the Potomac River across the mouths of all tributaries affected by the tides of the river to Second Street, Alexandria, Virginia, from Second Street to the present established pierhead line, and following said pierhead line to its connection with the District of Columbia-Maryland boundary line; that whenever said mean high-water mark on the Virginia shore is altered by artificial fills and excavations made by the United States, or by alluvion or erosion, then the boundary shall follow the new mean high-water mark on the Virginia shore as altered, or whenever the location of the pierhead line along the Alexandria water front is altered, then the boundary shall follow the new location of the pierhead line.

SEC. 102. All that part of the territory situated on the Virginia side of the Potomac River lying between the boundary line as described in section 101 and the mean high-water mark as it existed January 24, 1791, is hereby ceded to and declared to be henceforth within the territorial boundaries, jurisdiction, and sovereignty of the State [Commonwealth] of Virginia: *Provided, however*, That concurrent jurisdiction over the said area is hereby reserved to the United States.

SEC. 103. Nothing in this Act shall be construed as relinquishing any right, title, or interest of the United States to the lands lying between the mean high-water mark as it existed January 24, 1791, and the boundary line as described in section 101; or to limit the right of the United States to establish its title to any of said lands as provided by Act of Congress of April 27, 1912 (37 Stat. 93); or the jurisdiction of the courts of the United States for the District



of Columbia to hear and determine suits to establish the title of the United States in all lands in the bed, marshes, and lowlands of the Potomac River, and other lands as described by said Act below the mean high-water mark of January 24, 1791; or to limit the authority to make equitable adjustments of conflicting claims as provided for in the Act approved June 4, 1934 (48 Stat. 836).

SEC. 104. The "present" mean high-water mark shall be construed as the mean high-water mark existing on the effective date of this Act.

SEC. 105. The United States Coast and Geodetic Survey is hereby authorized, empowered, and instructed to survey and properly mark by suitable monuments the said boundary line as described in section 101, and from time to time to monument such sections of said boundary line as may be changed as provided for in section 101; and the necessary appropriations for this work are hereby authorized.

SEC. 106. The provisions of sections 272 to 289, inclusive, of the Criminal Code (U. S. C., title 18, secs. 451-468) shall be applicable to such portions of the George Washington Memorial Parkway and of the Washington National Airport as are situated within the Commonwealth of Virginia. Any United States commissioner specially designated for that purpose by the District Court of the United States for the Eastern District of Virginia shall have jurisdiction to try and, if found guilty, to sentence persons charged with petty offenses against the laws of the United States committed on the above-described portions of the said parkway or airport. The probation laws shall be applicable to persons so tried. For the purposes of this section, the term "petty offense" shall be defined as in section 335 of the Criminal Code (U. S. C., title 18, sec. 541). If any person charged with any petty offense as aforesaid shall so elect, however, he shall be tried in the said district court.

SEC. 107. The State [Commonwealth] of Virginia hereby consents that exclusive jurisdiction in the Washington National Airport (as described in sec. 1 (b) of the Act of June 29, 1940 (54 Stat. 686)), title to which is now in the United States, shall be in the United States. The conditions upon which this consent is given are the following and none others: (1) There is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to levy a tax on the sale of oil, gasoline, and all other motor fuels and lubricants sold on the Washington National Airport for use in over-the-road vehicles such as trucks, busses, and automobiles, except sales to the United States: *Provided*, That the Commonwealth of Virginia shall have no jurisdiction or power to levy a tax on the sale or use of oil, gasoline, or other motor fuels and lubricants for other purposes; (2) there is hereby expressly reserved in the Commonwealth of Virginia the jurisdiction and power to serve criminal and civil process on the Washington National Airport; and (3) there is hereby reserved in the Commonwealth of Virginia the jurisdiction and power to regulate the manufacture, sale, and use of alcoholic beverages on the Washington National Airport (as described in sec. 1(b) of the Act of June 29, 1940 (54 Stat. 686)).

Subject to the limitation on the consent of the State [Commonwealth] of Virginia as expressed herein exclusive jurisdiction in the Washington National



Airport shall be in the United States and the same is hereby accepted by the United States.

This Act shall have no retroactive effect except that taxes and contributions in connection with operations, sales and property on and income derived at the Washington National Airport heretofore paid either to the Commonwealth of Virginia or the District of Columbia are hereby declared to have been paid to the proper jurisdictions and the Commonwealth of Virginia and the District of Columbia each hereby waives any claim for any such taxes or contributions heretofore assessed or assessable to the extent of any such payments to either jurisdiction.

Any provision of law of the United States or the Commonwealth of Virginia which is to any extent in conflict with this Act is to the extent of such conflict hereby expressly repealed.

SEC. 108. This title shall not become effective unless and until the State [Commonwealth] of Virginia shall accept the provisions thereof.

## TITLE II—MISCELLANEOUS

SEC. 201. Nothing in this Act shall be construed (a) to prevent the acceptance by the United States pursuant to the provisions of section 355 of the Revised Statutes, as amended (40 U. S. C., sec. 255), of such jurisdiction as may be granted by the State [Commonwealth] of Virginia over any lands to which the United States now has, or may hereafter have, title within the boundaries of the State as established by this Act; or (b) to affect any jurisdiction heretofore obtained by the United States from the State [Commonwealth] of Virginia over lands adjoining or adjacent to those herein ceded; and all jurisdiction whether partial, concurrent, or exclusive, which Virginia has ceded and which the United States has accepted over any part or parts of the ceded total is hereby expressly retained.

(Oct. 31, 1945, 59 Stat. 552, ch. 443.)

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**Editor's notes.** — Title I of this Act was Acts of the General Assembly of Virginia, Chapter 26, effective Feb. 19, 1946.  
accepted by the Commonwealth of Virginia in

## REORGANIZATION PLAN NO. 5 OF 1952

(17 F.R. 5849, F.R. Doc. 52-7291; Filed, June 30, 1952,  
11:51 a.m.; 66 Stat. 824)

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, May 1, 1952, pursuant to the provisions of the Reorganization Act of 1949, approved June 29, 1949. The plan became effective July 1, 1952.

## GOVERNMENT OF THE DISTRICT OF COLUMBIA

SECTION 1. *Functions transferred to the Board of Commissioners.* — There are

hereby transferred to the Board of Commissioners of the District of Columbia (hereafter in this reorganization plan referred to as the Board of Commissioners) all functions of the following named offices and agencies of the Government of the District of Columbia, including in the case of each the functions of all officers, employees, and subordinate agencies:

- Alcoholic Beverage Control Board
- Anatomical Board
- Board of Accountancy
- Board of Assistant Assessors
- Board of Barber Examiners for the District of Columbia
- Board for the Condemnation of Dangerous and Unsafe Buildings
- Board for the Condemnation of Insanitary Buildings in the District of Columbia
- Board of Dental Examiners
- Board of Equalization and Review
- Board of Examiners and Registrars of Architects
- Board of Examiners of Steam and other Operating Engineers
- Board of Examiners of Veterinary Medicine
- Board of Optometry
- Board of Parole
- Board of Pharmacy
- Board of Podiatry Examiners
- Board of Police and Fire Surgeons
- Board of Public Welfare
- Board of Revocation and Review of Hackers Identification Cards
- Board of Revocation, Suspension and Restoration of Operators Permits
- Board of Special Appeals
- Board of Tax Appeals
- Bridge Division
- Budget Office
- Building Inspection Division
- Central Garage and Shops
- Central Permit Bureau
- Commission on Licensure to Practice the Healing Art in the District of Columbia
- Committee on Special Assessment Appeals
- Construction Division
- Department of Construction
- Department of Corrections
- Department of Highways
- Department of Inspections
- Department of Insurance
- Department of Sanitary Engineering
- Department of Vehicles and Traffic
- Department of Weights, Measures, and Markets
- Disbursing Office
- District Boxing Commission

ACTS RELATING TO ESTABLISHMENT OF DISTRICT

District of Columbia Board of Cosmetology  
District of Columbia Board of Registration for Professional Engineers  
District of Columbia Educational Agency for Surplus Property  
District of Columbia Pound  
District of Columbia Repair Shop  
District Personnel Board  
District Unemployment Compensation Board  
Division of Printing and Publications  
Electrical Division  
Electrical Examining Board  
Electrical Inspection Division  
Elevator Inspection Division  
Executive Office of the Board of Commissioners of the District of  
Columbia  
Fire Department  
Fire Safety Division  
Fire Trial Board  
Gallinger Municipal Hospital  
Glenn Dale Sanatorium  
Health Department  
License Bureau  
Metropolitan Police Department  
Minimum Wage and Industrial Safety Board  
Motion-Picture Operators Examining Board  
Motor Vehicle Parking Agency  
Municipal Architect  
Nurses Examining Board  
Office of the Administrator of Rent Control  
Office of the Assessor  
Office of the Auditor  
Office of the Chief Clerk, Public Works  
Office of Civil Defense  
Office of the Collector of Taxes  
Office of the Coroner  
Office of the Corporation Counsel  
Office of the Secretary to the Board of Commissioners of the District of  
Columbia  
Office of the Surveyor  
Office of the Water Registrar  
Plumbing Board  
Plumbing Inspection Division  
Police and Firemen's Retiring and Relief Board  
Police Trial Board  
Purchasing Office  
Real Estate Commission  
Registrar of Titles and Tags  
Sanitation Division



ACTS RELATING TO ESTABLISHMENT OF DISTRICT

Sewage Treatment Plant  
Sewer Division  
Smoke and Boiler Inspection Division  
Street Division  
Superintendent of District Buildings  
Trees and Parking Division  
Tuberculosis Hospital  
Undertakers' Examining Committee  
Veterans' Service Center  
Water Division

SEC. 2. *Abolition of agencies.* — (a) The offices and agencies listed in section 1 hereof, including the offices of the heads of such agencies, are abolished. The provisions of the foregoing sentence with respect to any such office or agency shall become effective at such time as the Board of Commissioners shall specify, but in no event later than June 30, 1953.

(b) The Office of People's Counsel established by section 3 of the act of December 15, 1926 (D.C. Code, 1940 edition, § 43-205) and its functions are abolished.

(c) The Board of Commissioners shall make such provisions as the said Board may deem necessary with respect to winding up the affairs of any office or agency abolished by the provisions of this section.

SEC. 3. *Performance of functions of Board.* — (a) Except as otherwise provided in this section, the Board of Commissioners is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions, including any function transferred to or otherwise vested in the Board of Commissioners by this reorganization plan, by any member of the Board of Commissioners, or by any other officer, employee, or agency of the Government of the District of Columbia, except the courts thereof.

(b) The Board of Commissioners shall not provide for the performance by any member of the Board of Commissioners, or by any other officer, employee, or agency of: (1) any function vested in the said Board by Act of Congress with respect to making and adopting regulations except those pertaining to the administration of or procedure before any agency of the Government of the District of Columbia; (2) the function of approving any contract in excess of \$50,000; (3) the function of appointing or removing the head of any agency responsible directly to the Board of Commissioners; or (4) the function of approving the budget for the District of Columbia. (Amended, Oct. 11, 1962, 76 Stat. 910, Pub. L. 87-802, § 1.)

SEC. 4. *Establishment of new offices.* — (a) There are hereby established in the Government of the District of Columbia so many agencies and offices, and with such names or titles, as the Board of Commissioners shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Board of Commissioners. Each officer so appointed shall perform the functions delegated to him in accordance with this reorganization plan and shall receive compensation to be fixed in accordance with the

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

classification laws, as now or hereafter amended, except that the compensation for not to exceed fifteen such offices at any one time may be fixed without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949 (5 U.S.C. § 1105).

(b) There are hereby established in the Government of the District of Columbia two new offices one of which shall have the title of "Chief of Police" and the other the title of "Fire Chief." The Chief of Police and the Fire Chief shall each be appointed by the Board of Commissioners and shall each receive compensation fixed by the said Board at a rate of not in excess of \$12,800 per annum.

SEC. 5. *Transfer of personnel, property, records, and funds.* — With respect to personnel, property, records, and unexpended balances of appropriations, allocations, and other funds, available or to be made available, relating to functions transferred, or authorized to be delegated, by the provisions hereof, the Board of Commissioners from time to time may effect such transfers between agencies of the Government of the District of Columbia (including transfers between the Board of Commissioners and any other agency of the Government of the District of Columbia) as the Board may deem necessary in order to carry out the provisions of this reorganization plan.

## MESSAGE OF THE PRESIDENT

*To the Congress of the United States:*

I transmit herewith Reorganization Plan No. 5 of 1952, prepared in accordance with the provisions of the Reorganization Act of 1949. This plan will enable the Board of Commissioners of the District of Columbia to bring about a basic simplification and improvement of the government of the District of Columbia.

While the plan will reorganize the District government, it does not, and cannot under the authority conferred by the Reorganization Act, provide for home rule. As is well known, I strongly believe that the citizens of the District of Columbia are entitled to self-government. I have repeatedly recommended, and I again recommend, enactment of legislation to provide home rule for the District of Columbia. Local self-government is both the right and the responsibility of free men. The denial of self-government does not befit the National Capital of the world's largest and most powerful democracy. Not only is the lack of self-government an injustice to the people of the District of Columbia, but it imposes a needless burden on the Congress and it tends to controvert the principles for which this country stands before the world.

Vigorous efforts have been made in the last four sessions of the Congress to obtain legislation providing home rule and a modern and effective governmental organization for the District of Columbia. It has been my hope that these two much-needed reforms could be accomplished in one measure. But each time the combination of the two has been used to help to defeat the legislation. As a result, the Senate last year separated the issues and passed a bill dealing only with home rule.



While I consider both home rule and reorganization essential for the District, the structure of the District government has become so complicated, confused, and obsolete that a thorough reorganization cannot further be delayed. I have concluded that the Reorganization Act of 1949 affords the most appropriate procedure for accomplishing the needed organizational improvements.

The present organization of the District government is the product of almost 80 years of piecemeal, planless growth. It has its origin in an act of 1874 which terminated self-government in the District. That act established an appointive, three-member Commission to conduct the affairs of the District until a new permanent plan of local government could be developed. Four years later, no plan having been formulated, this interim, emergency arrangement was modified slightly and made permanent. Since then the population and the functions of the District have multiplied and the structure of the District government has grown continually more complex; yet little has been done to effect a significant improvement in the organization and bring it into line with present-day requirements.

The failure to modernize the District government has not been for want of careful surveys and well-developed plans. In no community has the local government been subject to fuller or more frequent analysis. Within the last 25 years there have been no less than six comprehensive studies of the organization of the District government. While the recommendations growing out of these studies have differed in detail, all have agreed on the necessity of integrating the many activities performed by the District government.

The present organization of the District government is seriously deficient in a number of respects. The first and most obvious defect is the extraordinary number of agencies among which the business of the District is scattered. There are no less than 80 separate agencies in the government of the District of Columbia — one-third more than all the departments and agencies now in the executive branch of the Federal Government. Some of the agencies have been created by law and others by action of the Commissioners. Generally those established by the Commissioners have been recognized later in appropriation acts. Many of the activities and functions have been expanded or modified by subsequent congressional action. As a result, through the years, the legal status of many agencies has become extremely complicated and obscure.

Many District agencies are almost completely autonomous and uncontrolled. Among those agencies are about 50 boards or commissions, a considerable number of which are not even subject to budgetary control by the Board of Commissioners or the Congress; they have their own funds and operate with permanently appropriated receipts. While the Board of Commissioners is nominally the executive head of the District government, its authority over agencies ranges from complete control to virtually no control.

This plan constitutes an important first step in strengthening the organization of the government of the District of Columbia. By transferring to the Board of Commissioners the functions of most of the existing agencies, abolishing those agencies, and granting the Board broad authority to delegate its functions, the



plan permits a major realinement of the administrative structure of the District government. It is the intention of the Board of Commissioners to assign the functions of many of the existing agencies to a much smaller number of departments.

A few District agencies are excluded from the operation of the plan. Principal of these are the judicial agencies, which are not subject to the Reorganization Act, the National Guard, the Board of Library Trustees, the Board of Education, the Zoning Board, the Recreation Board, and the Public Utilities Commission.

The plan empowers the Board of Commissioners to provide for the performance of most of its executive functions by officers, agencies, and employees of the District government. This provision authorizes appropriate delegation of authority, both with and without the right of redelegation as the Commissioners may decide, and the withdrawal or modification of such delegation at any time. Regulatory functions vested in the Commissioners by statute are to be retained in the Board of Commissioners, as well as budget control, approval of contracts in excess of \$25,000, and the appointment and removal of the heads of agencies reporting directly to the Board of Commissioners. Under all delegations the Board will, of course, retain ultimate authority and responsibility.

Like the head of any large organization, the Board of Commissioners should be given adequate top-level assistance in carrying on the operations of the District government. The success of the reorganization plan will to a considerable extent depend upon the ability to fill key positions with the best qualified persons. In order to do so it is necessary to make provision for more adequate salaries for such officers. The plan provides that not to exceed 15 officers may be compensated without regard to the numerical limitations on positions set forth in section 505 of the Classification Act of 1949, as amended. This provision will enable the Chairman of the Civil Service Commission, or the President as the case may be, to approve rates of pay for these officers in excess of the rates established in the Classification Act of 1949 for grade GS-15 whenever standards of the classification laws so permit.

After investigation I have found and hereby declare that each reorganization included in Reorganization Plan No. 5 of 1952 is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949.

I have found and hereby declare that it is necessary to include in the accompanying reorganization plan, by reason of reorganizations made thereby, provisions for the appointment and compensation of officers specified therein. The rates of compensation fixed for these officers are not in excess of those which I have found to prevail in respect of comparable officers in the executive branch of the Federal Government.

The plan abolishes the office of People's Counsel and its functions (sec. 3 of the act of December 15, 1926, D. C. Code, 1940 edition, sec. 43-205). These functions duplicate responsibilities of the Public Utilities Commission.

The Board of Commissioners will carry out the basic reorganization made possible by this plan as soon as practicable without disrupting the operation of

the District government and will complete the reorganization no later than June 30, 1953. Thereafter organizational adjustments can be made as conditions require.

The primary benefits from this reorganization plan will take the form of improvements in administration and service. Many benefits in improved operations are to be expected in future years which will result in a reduction of expenditures as compared with those that would be otherwise necessary. Any itemization of these reductions, in advance of actual experience under this plan, is not practicable.

## **REORGANIZATION PLAN NO. 4 OF 1966**

**(31 F.R. 11137, F.R. Doc. 66-9167; Filed, Aug. 22, 1966;  
8:48 a.m.; 80 Stat. 1611)**

Prepared by the President and transmitted to the Senate and House of Representatives in Congress assembled, June 13, 1966, pursuant to the provisions of the Reorganization Act of 1949, approved June 29, 1949, 63 Stat. 203, as amended. The plan became effective Aug. 23, 1966.

### **NATIONAL ZOOLOGICAL PARK BUILDINGS AND BRIDGES**

All those functions of the Board of Commissioners of the District of Columbia which were vested in the municipal architect of the District of Columbia by the provisions of the Act of August 24, 1912, ch. 355, 37 Stat. 437 (20 U.S.C. 84; D.C. Code § 8-134), in respect of buildings of the National Zoological Park, and all functions of that Board which were vested in the engineer of bridges of the District of Columbia by those provisions in respect of bridges of the National Zoological Park, are hereby transferred to the Smithsonian Institution.

## **MESSAGE OF THE PRESIDENT**

*To the Congress of the United States:*

I transmit herewith Reorganization Plan No. 4 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended, and providing for a reorganization relating to the National Zoological Park located in the District of Columbia.

Today, all responsibilities for the administration of the park are vested in the Smithsonian Institution with one exception — the function of preparing plans and specifications for the construction of buildings and bridges at the zoo. That statutory responsibility is now conducted by the Board of Commissioners of the District of Columbia.

Under the accompanying reorganization plan, the responsibility for the preparation of these plans and specifications would be transferred from the District of Columbia Board of Commissioners to the Smithsonian. The complete administration of the park would then be vested in one agency — the

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Smithsonian Institution. This will allow the more efficient and effective development and management of the park.

In 1912, the functions to be transferred were vested in the Municipal Architect of the District of Columbia and in the Engineers of the Bridges of the District of Columbia. In 1952, they were transferred to the Board of Commissioners.

When the 1912 act was passed, the District of Columbia shared the costs of capital improvements in the National Zoological Park. In 1961, it ceased sharing these costs, and the Federal Government assumed complete responsibility for financing the improvements. Accordingly, the District government retains no capital improvement responsibilities for the National Zoological Park except those functions relating to construction plans and specifications for building and bridges, as specified in the 1912 statute. Upon the transfer of these remaining functions to the Smithsonian Institution, the administration of the National Zoological Park will, at last, be fully centered in one agency. It is not practicable at this time, however, to itemize the resulting reduction in expenditures.

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

## REORGANIZATION PLAN NO. 5 OF 1966

(31 F.R. 11857; F.R. Doc. 66-9951; Filed, Sept. 8, 1966;  
8:50 a.m.; 80 Stat. 1611)

Prepared by the President and transmitted to the Senate and House of Representatives in Congress assembled, June 29, 1966, pursuant to the provisions of the Reorganization Act of 1949, approved June 29, 1949, 63 Stat. 203, as amended. The plan became effective Sept. 8, 1966.

### NATIONAL CAPITAL REGIONAL PLANNING COUNCIL

SECTION 1. *Abolition.* — The National Capital Regional Planning Council (66 Stat. 783), together with all of its functions, is hereby abolished.

SEC. 2. *Liquidation.* — The National Capital Planning Commission shall make such provisions as it shall deem necessary respecting the winding up of the outstanding affairs of the National Capital Regional Planning Council.

## MESSAGE OF THE PRESIDENT

*To the Congress of the United States:*

I am transmitting Reorganization Plan No. 5 of 1966, prepared in accordance with the Reorganization Act of 1949, as amended.



The time has come to recognize the readiness of local governments in the Washington area to undertake a role which is properly and rightfully theirs. To that end, I am submitting a reorganization plan to abolish the National Capital Regional Planning Council.

Comprehensive regional planning is vital to the orderly development of our metropolitan areas. Nowhere is it more important than in the National Capital region.

To be most effective, regional planning must be a responsibility of the area's State and local governments acting together to solve mutual problems of growth and change. It should not be a Federal function, although the Federal Government should support and advance it.

The need for cooperative planning was reorganized years ago in the National Capital region. The establishment of the National Capital Regional Planning Council in 1952 to prepare a comprehensive development plan was a major step in meeting that need.

However, the Council was designed for conditions which no longer exist. It was established by Federal law as a Federal agency financed by Federal funds because the various local jurisdictions then felt they were not in a position to provide the financing necessary for areawide comprehensive planning.

The situation that existed in 1952 has been changed by two major developments —

The founding of the Metropolitan Washington Council of Governments; and

The inauguration of a nationwide urban planning assistance program, commonly referred to as the "701 Program."

The Metropolitan Washington Council of Governments, established in 1957, is a voluntary association of elected officials of local governments in the area. It has a competent professional staff and has done constructive work on areawide development matters. It had a budget of nearly a quarter of a million dollars for fiscal year 1965, mostly derived from local government contributions, and has developed to the point where it can fully carry out the State and local aspects of regional planning.

The urban planning assistance program provides for Federal financing of two-thirds of the cost of metropolitan planning. The National Capital Regional Planning Council, as a Federal agency, is not eligible for assistance under this program. The Metropolitan Washington Council of Governments, however, became eligible for that assistance under the terms of the Housing and Urban Development Act of 1965. Accordingly, the elected local governments of the National Capital region have declared their intention of undertaking the responsibility for areawide comprehensive planning through the Council of Governments.

The reorganization plan will not alter the basic responsibilities of the National Capital Planning Commission. That Commission will continue to represent the Federal interest in the planning and development of the region. Indeed, its work should increase as comprehensive regional planning by the Council of Governments is accelerated. In accord with the reorganization plan, the Commission will work closely with the Council of Governments in regional

planning. The Commission will also deal directly with the suburban jurisdictions and assume the liaison functions now exercised by the National Capital Regional Planning Council.

The reorganization plan will improve existing organizational arrangements of and promote more effective and efficient planning for the National Capital region.

It will also result in long-range savings to the Federal Government. The regional planning effort of the Council of Governments is supported in part by local contributions. The same work done by the National Capital Regional Planning Council has been supported totally with Federal funds. The loan will eliminate this overlapping effort.

Annual savings of at least \$25,000 should result from the reorganization plan.

The functions to be abolished by the reorganization plan are provided for in sections 2(e), 3, 4, 5(d), and 6(b) of the act approved June 6, 1924, entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital" (43 Stat. 463), as amended (66 Stat. 783, 40 U.S.C. 71a(e), 71b, 71c, 71d(d), and 71e(b)).

I have found, after investigation, that each reorganization included in the accompanying reorganization plan is necessary to accomplish one or more of the purposes set forth in section 2(a) of the Reorganization Act of 1949, as amended.

I recommend that the Congress allow the reorganization plan to become effective.

## REORGANIZATION PLAN NO. 3 OF 1967

**(32 F.R. 11669, F.R. Doc. 67-9507; Filed, Aug. 11, 1967,  
8:45 a.m.; 81 Stat. 948)**

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, June 1, 1967, pursuant to the provisions of chapter 9 of title 5 of the United States Code. Except for Part IV and sections 501, 502, and 503 the plan became effective August 11, 1967. Part IV and sections 501, 502, and 503 became effective November 3, 1967, when the nine members of the District of Columbia Council, took office.

### GOVERNMENT OF THE DISTRICT OF COLUMBIA

#### PART I. GENERAL PROVISIONS

SECTION 101. *Definitions.* (a) As used in this reorganization plan, the term "the Corporation" means the body-corporate for municipal purposes created a government by the name of the "District of Columbia."

(b) References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or



supplemented prior to the effective date of this reorganization plan (including modifications made by Reorganization Plan No. 5 of 1952 (66 Stat. 824)).

SEC. 102. *Reorganization.* The Corporation is hereby reorganized as provided in the following Parts of this reorganization plan.

## PART II. DISTRICT OF COLUMBIA COUNCIL

SEC. 201. *Establishment of the Council.* (a) There is hereby established in the Corporation a Council which shall be known as the "District of Columbia Council" (hereinafter referred to as the Council).

(b) The Council shall be composed of a Chairman of the Council, a Vice Chairman of the Council, and seven other members, all of whom shall be appointed by the President of the United States, by and with the advice and consent of the Senate. At the time of his appointment each member of the Council shall be a citizen of the United States, shall have been an actual resident of the District of Columbia for three years next preceding his appointment, and shall during that period have claimed residence nowhere else. The Council shall be nonpartisan and no more than six of its members shall be adherents of any one political party. Appointments to the Council shall be made with a view toward achieving a Council membership which will be broadly representative of the District of Columbia community.

(c) One or more of the nine Council members hereinabove provided for may be appointed from among (1) retired civilian employees of the Government, (2) retired personnel of the armed services of the United States, and (3) retired personnel of the Corporation. Any person so appointed shall be eligible to receive the compensation provided for in section 204 hereof and appointment hereunder shall not affect his right to receive annuity, pension, or retired pay to which he is otherwise entitled.

(d) Three of the appointments first made under this section shall be for terms expiring February 1, 1968, three shall be for terms expiring February 1, 1969, and three shall be for terms expiring February 1, 1970; and thereafter appointments shall be made for terms of three years. Any appointment made to fill a vacancy shall be made only for the unexpired balance of the term. Any member of the Council may continue to serve as such member after the expiration of his term of office until his successor is appointed and qualifies. Any member of the Council may be removed by the President of the United States for neglect of duty or malfeasance in office or when the member has been found guilty of a felony or conduct involving moral turpitude.

(e) Each member of the Council before entering upon the discharge of his duties as such member shall take an oath or affirmation to support the Constitution of the United States and to faithfully discharge the duties imposed upon him as such member.

(f) Five members of the Council shall constitute a quorum for the transaction of business of the Council, except that four members shall constitute a quorum whenever two or more Council memberships are vacant.

SEC. 202. *Acting Chairman.* During the absence or disability of the Chairman of the Council, or whenever there be no Chairman, the Vice Chairman shall act as Chairman of the Council.



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SEC. 203. *Secretary of the Council.* (a) There is hereby established the office of the Secretary of the Council. The Secretary shall be appointed by the Council from time to time.

(b) The Secretary shall perform such duties, and shall provide such services for the Council and its members, as the Council may prescribe. Personnel appointed to assist the Secretary in carrying out his responsibilities under this section shall be appointed by the Secretary subject to the approval of the Council.

SEC. 204. *Compensation.* The Chairman of the Council shall receive compensation at the rate of \$10,000 per annum, the Vice Chairman shall receive compensation at the rate of \$9,000 per annum, and each other member of the Council shall receive compensation at the rate of \$7,500 per annum. The Secretary of the Council shall receive compensation determined in accordance with the classification laws as amended from time to time.

SEC. 205. *Performance of functions of the Council.* (a) The Council is hereby authorized to make from time to time such provisions as it deems appropriate to authorize the performance of any of its functions by the Commissioner of the District of Columbia (hereinafter provided for).

(b) The Council is hereby authorized to make from time to time, subject to the concurrence of the Commissioner of the District of Columbia, such provisions as it deems appropriate to authorize the performance of any of its functions by any officer, agency, or employee of the Corporation except the courts thereof.

(c) All functions provided for in regulations of the Council (including existing regulations continued in force without action by the Council) which are to be carried out by any officer, employee, or agency, who or which is in other respects under the jurisdiction of the Commissioner of the District of Columbia shall be carried out by such officer, employee, or agency under the direction and control of the Commissioner.

## PART III. COMMISSIONER OF THE DISTRICT OF COLUMBIA

SEC. 301. *Establishment of office of Commissioner.* (a) There is hereby established in the Corporation an office with the title of "Commissioner of the District of Columbia." The officer who holds that office is hereinafter referred to as the Commissioner.

(b) The Commissioner shall be appointed by the President of the United States, by and with the advice and consent of the Senate. The Commissioner shall at the time of his appointment be a citizen of the United States. Before entering upon the discharge of his duties the Commissioner shall take an oath or affirmation to support the Constitution of the United States and faithfully discharge the duties imposed upon him as Commissioner. The Commissioner shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). Whenever both a Commissioner and an Assistant to the Commissioner appointed under section 302 hereof are in office at least one of them shall have been an actual resident of the District of Columbia for three years next

preceding his appointment and have during that period claimed residence nowhere else. Both the Commissioner and the Assistant to the Commissioner shall reside in the District of Columbia during the time each holds office.

(c) The first appointment of a Commissioner hereunder shall be for a term expiring on February 1, 1969, and thereafter each appointment shall be made for a term of four years. Any appointment made to fill a vacancy in the office shall be made only for the unexpired balance of the term. A Commissioner may continue to serve as such after the expiration of his term of office until his successor is appointed and qualifies. The Commissioner is subject to removal by the President of the United States.

(d) The President may from time to time (1) designate officials of the Corporation (including the Chairman, the Vice Chairman, and the other members of the Council provided for in Part II of this reorganization plan if the President so elects) to act as Commissioner during the absence or disability of the Commissioner or in the event of a vacancy in the office of Commissioner, and (2) prescribe the order of succession in which the officials so designated shall so act.

SEC. 302. *Assistant to the Commissioner.* There is hereby established in the Corporation a new office which shall have the title "Assistant to the Commissioner of the District of Columbia." Such assistant (1) shall be appointed by the President of the United States, by and with the advice and consent of the Senate, (2) shall receive compensation at the rate now or hereafter prescribed by law for offices and positions of Level V of the Executive Schedule Pay Rates (5 U.S.C. 5316), and (3) shall assist the Commissioner as the Commissioner may direct in connection with the carrying out of the functions of the Commissioner.

SEC. 303. *Establishment of other new offices.* There are hereby established in the Corporation so many agencies and offices, with such names or titles, as the Commissioner shall from time to time determine. The said offices shall be filled by appointment by, or under the authority of, the Commissioner. Each officer so appointed shall perform the functions delegated or otherwise assigned to him in pursuance of this reorganization plan and shall receive compensation to be fixed in accordance with the classification laws as amended from time to time.

SEC. 304. *Transfer of personnel, property, records, and funds.* With respect to personnel, property, records, and unexpended balances of appropriations, allocations and other funds, available or to be made available, relating to functions transferred by the provisions of this reorganization plan, the Commissioner may from time to time effect such transfers between the agencies of the Corporation (including transfers between the Commissioner and any other agency of the Corporation) as he may deem necessary in order to carry out the provisions of this reorganization plan.

SEC. 305. *Performance of functions of Commissioner.* The Commissioner is hereby authorized to make from time to time such provisions as he deems appropriate to authorize performance of his functions by any other officer, or by any employee or agency, of the Corporation except the courts thereof.



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### PART IV. TRANSFERS OF FUNCTIONS

SEC. 401. *Transfer of functions to Commissioner.* Except as otherwise provided in this reorganization plan, all functions of the Board of Commissioners of the District of Columbia, including all functions of the President of that Board and all functions of each other member of that Board and including also the executive power vested therein (D.C. Code, sec. 1-218), are hereby transferred to the Commissioner of the District of Columbia.

SEC. 402. *Transfer of functions to Council.* The following regulatory and other functions now vested in the Board of Commissioners of the District of Columbia are hereby transferred to the Council (subject to the provisions of section 406 of this reorganization plan):

#### 1. General provisions

(1) Making and modifying police regulations under D.C. Code, sec. 1-224 (including the prescribing of penalties under paragraph "Eleventh" thereof).

(2) Prescribing penalties under D.C. Code, sec. 1-224a.

(3) Making and modifying regulations to regulate the keeping and leashing of dogs, and to regulate or prohibit the running at large of dogs, including penalties for violations of such regulations, under D.C. Code, sec. 1-224b.

(4) Making regulations under D.C. Code, secs. 1-226 and 1-227.

(5) Making building regulations under D.C. Code, sec. 1-228.

(6) Making and publishing such orders as may be necessary to regulate the construction, repair and operation of elevators and prescribing such means of security as may be found necessary to protect life and limb under D.C. Code, sec. 1-229.

(7) Issuing proclamations related to the control of rabies under D.C. Code, sec. 1-230.

(8) Making regulations relating to outdoor signs and other forms of exterior advertising under D.C. Code, sec. 1-231.

(9) With respect to the functions transferred to the Council by the provisions of this reorganization plan, (i) making investigations or examinations of municipal matters, and (ii) administering oaths to witness, under D.C. Code, sec. 1-237.

(10) Reporting annually to the Congress concerning the functions transferred to the Council by the provisions of this reorganization plan under D.C. Code, sec. 1-238.

(11) Making regulations to provide for the waiver of payment of fees (by persons in the military service of the United States) under D.C. Code, sec. 1-244(a).

(12) Making and adopting regulations relating to the furnishing and keeping in force a bond by persons, firms, or corporations engaged in the business of plumbing or gas fitting, or of installing, maintaining, or repairing heating, ventilating, air-conditioning, or mechanical refrigerating apparatus, equipment, appliances, systems, or parts thereof, or of installing, maintaining, or repairing apparatus, equipment, fixtures, appliances, or wiring, using or conducting electric current under D.C. Code, sec. 1-244(b).



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(13) Prescribing regulations for the examination of the qualifications and fitness of applicants for licenses to engage in the business referred to in the immediately preceding paragraph hereof under D.C. Code, sec. 1-244(b).

(14) Naming highways and naming and renaming circles, bridges, buildings, or other public places or properties under D.C. Code, sec. 1-244(f).

(15) Prescribing penalties under D.C. Code, sec. 1-244(h).

(16) Fixing and changing periods for which licenses, certificates, or registrations may be issued under D.C. Code, sec. 1-257.

(17) Prescribing regulations relating to holidays for District of Columbia employees under D.C. Code, sec. 1-260.

(18) The reception and entertainment of officials of foreign, State, local, or Federal governments and other dignitaries and eminent persons visiting in or returning to the District of Columbia under D.C. Code, sec. 1-262.

(19) Prescribing penalties under D.C. Code, sec. 1-264.

(20) Prescribing rules and regulations relating to notaries public under D.C. Code, sec. 1-501.

(21) Making and publishing general orders regulating the platting and subdividing of lands and grounds under D.C. Code, sec. 1-613.

(22) Prescribing a schedule of fees for surveyor's services under D.C. Code, sec. 1-629.

(23) Exempting certain boilers from provision prohibiting using steam boilers without first obtaining certificate of inspection under D.C. Code, sec. 1-705.

(24) Making regulations to carry out the provisions of the Act of June 25, 1936 under section 14 of that Act (D.C. Code, sec. 1-715).

(25) Making rules and regulations respecting the production, use, and control of electricity, and prescribing fees, under D.C. Code, sec. 1-719.

(26) Making and modifying regulations governing plumbing, house drainage, and sewers, and making and modifying regulations governing the examination, registration, and licensing of plumbers and the practice of the business of plumbing and gas fitting, under D.C. Code, sec. 1-725.

(27) Establishing fees for permits to connect buildings, premises, or establishments with sewer, water, or gas mains, or other underground structures, and establishing fees for permits granted to make excavations, under D.C. Code, sec. 1-726.

(28) Consulting concerning the formation of one or more citizen advisory councils under D.C. Code, sec. 1-1004(e) (40 U.S.C. 71c(e)).

(29) Defining and redefining the central area of the District of Columbia under D.C. Code, sec. 1-1005(c) (40 U.S.C. 71d(c)).

(30) Approving a major thoroughfare plan or parts thereof or revisions thereof, and proposing revision of the major thoroughfare plan or parts thereof, under D.C. Code, sec. 1-1006(a) (40 U.S.C. 71e(a)).

(31) Consulting with National Capital Planning Commission prior to final adoption of the thoroughfare plan under D.C. Code, sec. 1-1006(b) (40 U.S.C. 71e(b)).

(32) Submitting a copy of the District's advance program of capital improvements to the National Capital Planning Commission under D.C. Code, sec. 1-1007 (40 U.S.C. 71f).

(33) With respect to each inaugural period: (i) making regulations necessary to secure the preservation of public order and protection of life, health, and property, (ii) making regulations respecting the standing, movement, and operation of vehicles, (iii) fixing conditions with respect to licenses to peddlers and vendors, and (iv) fixing fees for the privilege of selling goods, wares, and merchandise, under D.C. Codes, sec. 1-1202 (36 U.S.C. 722).

*2. Regulation of professions, occupations, etc.*

(34) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Healing Arts Practice Act of 1928, under D.C. Code, sec. 2-103, and adopting and altering a common seal thereunder.

(35) Establishing minimum standards of preprofessional and professional education in the healing art and establishing minimum standards for hospitals for interne training under D.C. Code, sec. 2-103a(a).

(36) Adopting and promulgating rules and regulations prescribing (i) the terms and conditions under which a tissue bank license may be issued and renewed, (ii) the fees to be paid by the issuance and renewal of such licenses, (iii) the duration of such licenses, (iv) the grounds for the suspension and revocation of such licenses, (v) the operation of tissue banks, (vi) the conditions under which tissue may be processed, preserved, stored, and transported, and (vii) the making, keeping, and disposition of records by tissue banks and by other persons under D.C. Code, sec. 2-253(b).

(37) Making and adopting rules and regulations to effect the purposes of the Act of July 2, 1940, relating to the licensing of dentists and the practice of dentistry (including the making of rules regulating professional announcements and the number of offices of a licensed dentist and including also the prescribing of rules and regulations to permit the use in hospitals of dental internes) under D.C. Code, sec. 2-302.

(38) Adopting and amending by-laws carrying into effect the Act of February 9, 1907, relating to the registration of graduate nurses, under D.C. Code, secs. 2-403 and 2-406.

(39) Fixing, under D.C. Code, sec. 2-408, the fees referred to in clause (c) thereof.

(40) Adopting and prescribing rules and regulations to carry into effect the Act of September 6, 1960, and prescribing minimum curricula and standards for schools and programs, under D.C. Code, sec. 2-427(a).

(41) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 6, 1960, under D.C. Code, sec. 2-427(b).

(42) With respect to the functions transferred by the paragraph immediately preceding this paragraph, administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto, under D.C. Code, sec. 2-427(b).

(43) Determining the qualifications, prescribing the terms of office, and fixing the compensation of members of the physical therapists examining board under D.C. Code, sec. 2-455.



(44) Adopting and prescribing rules and regulations to carry into effect the Act of September 22, 1961, under D.C. Code, sec. 2-456(a).

(45) Obtaining or requiring the furnishing of information under oath or affirmation or otherwise necessary to assist in prescribing any regulation under the Act of September 22, 1961 under D.C. Code, sec. 2-456(b).

(46) With respect to the functions transferred by the paragraph immediately preceding this paragraph administering oaths and affirmations, requiring by subpoena or otherwise the attendance and testimony of witnesses and the production of documents, and making application to the Court for an order requiring obedience thereto under, D.C. Code, sec. 2-456(b).

(47) Changing the periods for which registrations as physical therapists or renewals thereof may be issued under D.C. Code, sec. 2-461(a).

(48) Altering, amending, or otherwise changing educational standards (relating to optometrists) under D.C. Code, sec. 2-512.

(49) Making and altering rules for the conduct of business of agency administering, and for the execution and enforcement of, the Act of May 7, 1906, under D.C. Code, sec. 2-608.

(50) Adopting rules and regulations respecting the eligibility of candidates for admission to the practice of podiatry and the scope of examinations, under D.C. Code, sec. 2-702, and adopting a seal thereunder.

(51) Making, altering, and amending rules and regulations to carry into effect the provisions of the Act of February 1, 1907, relating to veterinarians, and requiring the giving of bond and prescribing the form and penalty thereof, under D.C. Code, sec. 2-802.

(52) Determining, authorizing, and directing the subjects to be included in examinations for veterinarians under D.C. Code, sec. 2-803.

(53) Making reciprocal arrangements with authorities of the several states and territories of the United States concerning the licensing of veterinarians under D.C. Code, sec. 2-804.

(54) Making rules for the examination and registration of applicants for (architects') certificates under D.C. Code, sec. 2-1001.

(55) Fixing fees, relating to architects and applicants, under D.C. Code, sec. 2-1023.

(56) With respect to the functions transferred by paragraphs (54) and (55), above, requiring the attendance of persons and the production of books and papers, requiring persons to testify, issuing subpoenas, and referring matters to a judge, under D.C. Code, sec. 2-1029.

(57) Adopting rules and sanitary regulations to carry out the provisions of the Act of June 7, 1938 (relating to barbers) under D.C. Code, sec. 2-1103.

(58) Making and issuing regulations (relating to the posting of prices in barber shops and violations of such regulations) under D.C. Code, sec. 2-1114a.

(59) Making and amending rules and regulations to carry out the purposes of the Act of December 20, 1944 (relating to boxing contests and exhibitions), under D.C. Code, sec. 2-1212.

(60) Making rules and regulations to carry out the provisions of the Act of June 7, 1938 (relating to cosmetologists) under D.C. Code, sec. 2-1303.

(61) Fixing fees for licenses (relating to plumbers) under D.C. Code, sec. 2-1405.



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(62) Providing rules and regulations (relating to examinations for steam and other operating engineers), and prescribing tests to which engines and steam boilers shall be subjected, under D.C. Code, sec. 2-1502.

(63) All authority and responsibilities of the Board of Commissioners of the District of Columbia under D.C. Code, secs. 2-1724, 2-1727, and 2-1728 (relating to the District of Columbia Stadium).

(64) Regulating the certification of engineers-in-training, and prescribing examinations for the purpose of testing the applicant's knowledge, under D.C. Code, sec. 2-1808(c).

(65) Prescribing a certificate for issuance to applicants who meet requirements for certification as engineers-in-training under D.C. Code, sec. 2-1808(j).

(66) Adopting an official seal under D.C. Code, sec. 2-1808(l).

(67) Adopting, amending, rescinding, and promulgating administrative rules and regulations to carry into effect the Act of September 19, 1950, under D.C. Code, sec. 2-1808(n).

(68) With respect to other functions transferred to the Council by the provisions of this reorganization plan, requiring the attendance of witnesses and the production of books and papers, requiring witnesses to testify, issuing subpoenas, and referring matters to a judge under D.C. Code, sec. 2-1808(o).

(69) Fixing the form and amount of bond required to be furnished under D.C. Code, sec. 2-1813.

(70) Prescribing additional information to be contained in applications for pawnbrokers' licenses under D.C. Code, sec. 2-2003(b)(4).

(71) Making rules and regulations for the enforcement of the Act of August 6, 1956, under D.C. Code, sec. 2-2007(a).

(72) Determining or fixing a maximum rate of interest for pawnbroker loans and redetermining and refixing any such maximum rate under D.C. Code, sec. 2-2009(a).

(73) Making rules and regulations to carry out the Act of August 6, 1956 (relating to pawnbrokers) under D.C. Code, sec. 2-2017.

(74) Prescribing by regulation the form of and the information to be contained in solicitor information cards, and prescribing the manner of reproduction and authentication of such cards, under D.C. Code, sec. 2-2102(a)(7).

(75) Prescribing by regulation the terms and conditions for exempting solicitations from certain provisions of the Act of July 10, 1957, under D.C. Code, sec. 2-2103(d).

(76) Prescribing the form or forms of application for certificate of registration, and requiring by regulation the information to be contained in each such application, under D.C. Code, sec. 2-2104(a).

(77) Promulgating regulations to carry out the Act of July 10, 1957, (relating to charitable solicitations) under D.C. Code, sec. 2-2110.

(78) Requiring the furnishing of bond as a condition to the issuance of license to engage in the home improvement business under D.C. Code, sec. 2-2301.

(79) Establishing classes and subclasses of persons licensed to engage in the home improvement business, and specifying the amount and conditions of the

bond or other security to be deposited by each member of any such class or subclass, under D.C. Code, sec. 2-2302(a).

(80) By regulation, requiring applicants for licenses or licensees (i) to furnish and keep in force a bond or bonds or other security, and (ii) to procure and keep in force public liability insurance or property damage insurance, or both, under D.C. Code, sec. 2-2302(a)(1) and (2).

### *3. Public welfare*

(81) Making rules and regulations relating to the admission of persons to institutions under D.C. Code, sec. 3-108.

(82) Establishing rules for receiving and temporarily caring for children under D.C. Code, sec. 3-116.

(83) Establishing rules and regulations to carry out the provisions of the Act of October 15, 1962 (relating to public assistance) under D.C. Code, sec. 3-202(b)(2).

(84) Approving regulations in accordance with which shall be determined the amount of public assistance which any person shall receive under D.C. Code, sec. 3-204(a).

(85) Prescribing the manner and form in which application for public assistance shall be made, under D.C. Code, sec. 3-205.

(86) Prescribing regulations governing the custody, use, and preservation of records, papers, files and communications relating to public assistance under D.C. Code, sec. 3-211(a).

(87) Approving rules and regulations relating to funeral expenses under D.C. Code, sec. 3-213.

(88) Prescribing rules and regulations in accordance with which hearings shall be conducted under D.C. Code, sec. 3-214.

### *4. Police and fire*

(89) Subdividing the Metropolitan Police District into police districts and precincts under D.C. Code, sec. 4-102.

(90) Determining and fixing limits of age for appointments to the police department under D.C. Code, sec. 4-107.

(91) Prescribing general regulations regarding special policemen under D.C. Code, sec. 4-115.

(92) Making rules and regulations under D.C. Code, sec. 4-117.

(93) Making and modifying rules and regulations for the proper government, conduct, discipline, and good name of the Metropolitan Police force, and fixing penalties, under D.C. Code, sec. 4-121.

(94) Making and amending rules of procedure before trial boards under D.C. Code, sec. 4-122.

(95) Changing, altering, amending, or abolishing rules and regulations of the Metropolitan Police force under the last proviso of D.C. Code, sec. 4-122.

(96) Providing rules for uniform clothing of the police force under D.C. Code, sec. 4-130.

ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(97) Prescribing the area constituting the "Washington, District of Columbia, metropolitan district" under D.C. Code, sec. 4-132a(b).

(98) Causing the Metropolitan Police force to keep records under D.C. Code, sec. 4-134(5).

(99) Determining traffic violations and other petty offenses with respect to which records are not required to be kept under D.C. Code, sec. 4-134a(a).

(100) Making rules and regulations regarding the written return of arrests under D.C. Code, sec. 4-142.

(101) Making rules and regulations in reference to the detention of witnesses under D.C. Code, sec. 4-144.

(102) Providing by regulation for disposition of property under the proviso of D.C. Code, sec. 4-156(e).

(103) Determining by regulation the disposition of property under D.C. Code, sec. 4-159(c).

(104) Determining, by regulation, disposition of property under D.C. Code, sec. 4-160(a).

(105) By regulation requiring that bonds be furnished and kept in force by persons licensed as private detectives under D.C. Code, sec. 4-171a.

(106) Fixing amounts of bonds obtained to secure against loss resulting from any act of dishonesty or other act by any officer of the Metropolitan Police force under D.C. Code, sec. 4-186.

(107) Making, altering, or amending rules and regulations relating to officers and members of the fire department, and changing the rules and regulations of the Fire Department promulgated before June 20, 1906, under D.C. Code, sec. 4-402.

(108) Determining and fixing limits of age for original appointments to the fire department under D.C. Code, sec. 4-403.

(109) Prescribing rules and regulations for installing in suburbs extra apparatus and appliances belonging to the fire department under D.C. Code, sec. 4-411.

(110) Entering into and renewing reciprocal agreements under D.C. Code, sec. 4-414(a).

(111) Promulgating rules and regulations regarding the selection and reporting of the names of privates and sergeants possessed of outstanding efficiency under D.C. Code, sec. 4-802.

(112) Promulgating regulations regarding additional compensation for working on holidays under D.C. Code, sec. 4-807.

(113) Designating holidays with respect to officers and members of the Metropolitan Police force and the Fire Department under D.C. Code, sec. 4-808.

(114) Promulgating regulations to carry out the intent and purposes of the Act of August 1, 1958 under D.C. Code, sec. 4-835.

(115) Promulgating regulations (regarding determination whether injury or disease resulted from the performance of duty) under D.C. Code, sec. 4-909(b) (5 U.S.C. 6324(b)).



*5. Building restrictions and regulations*

(116) Making regulations for the care and preservation of parkings (established under the Act of June 21, 1906) under D.C. Code, sec. 5-205.

(117) Determining numbers and material, type, and construction of fire escapes under D.C. Code, sec. 5-301.

(118) Adopting regulations to accomplish the purposes and carry into effect the provisions of the Act of March 19, 1906 (relating to fire escapes and safety) under D.C. Code, sec. 5-304.

(119) Promulgating regulations requiring the provision, installation, and maintenance of means of egress, guide signs, guide lights, exit lights, hall and stairway lights, standpipes, fire extinguishers, alarm gongs, striking stations, and other appliances under D.C. Code, sec. 5-317.

(120) Regulating the maximum height of buildings on blocks immediately adjacent to public buildings or to the side of any public building for which plans have been prepared and money appropriated at the time of the application for the permit to construct the building under D.C. Code, sec. 5-405.

(121) Preparing (in consultation with the National Capital Planning Commission) plats defining the areas within which applications for building permits shall be submitted to the Commission of Fine Arts under D.C. Code, sec. 5-411.

(122) Approving boundaries of project areas and redevelopment plans and modifications of redevelopment plans under D.C. Code, secs. 5-705 and 5-711.

(123) Approving the entering by the District of Columbia Redevelopment Land Agency into contracts and agreements, relating to financial assistance, under D.C. Code, sec. 5-717a(a).

(124) Approving the acceptance by the District of Columbia Redevelopment Land Agency of advances of funds for surveys and plans, and approving transfers of funds by that Agency to the National Capital Planning Commission, under D.C. Code, sec. 5-717a(b).

(125) Entering into agreements with the District of Columbia Redevelopment Land Agency respecting certain cash payments from funds of the District of Columbia under D.C. Code, sec. 5-717a(d).

(126) Approving releases, modifications, and departures from features and details of approved redevelopment plans under D.C. Code, sec. 5-718(a).

(127) Transferring all right, title, and interest in and to part or all of certain property to the District of Columbia Redevelopment Land Agency under D.C. Code, sec. 5-720.

(128) Determining whether such property is necessary to the development of the southwest section in accordance with an approved urban renewal plan, determining how much of the property is necessary to carry out such urban renewal plan, and transferring and donating to the Agency all right, title, and interest of the United States in and to the property under D.C. Code, sec. 5-721.

(129) Transferring to the District of Columbia Redevelopment Land Agency jurisdiction regarding transferred property under D.C. Code, sec. 5-722.

(130) Prescribing regulations for making relocation payments to individuals, families, business concerns, and non-profit organizations for their moving

expenses and actual direct losses caused by their displacement from real property acquired for public works projects under D.C. Code, sec. 5-729.

(131) Making regulations to carry out the purposes of the Act of October 6, 1964 under D.C. Code, sec. 5-732.

(132) Adopting regulations to bring horizontal property regimes into compliance with the laws and regulations in effect in the District of Columbia under D.C. Code, sec. 5-928.

## *6. Health and safety*

(133) Altering, amending, or repealing ordinances of the former Board of Health which were legalized by the Act of April 24, 1880 under D.C. Code, sec. 6-114.

(134) Promulgating rules and regulations to prevent and control the spread of communicable diseases under D.C. Code, sec. 6-118.

(135) By regulation, denominating the diseases within the meaning of "communicable diseases," under D.C. Code, sec. 6-119.

(136) Prescribing penalties for violation of communicable disease regulations under D.C. Code, sec. 6-119h.

(137) Making rules and regulations governing the certification of the given name of a child under D.C. Code, sec. 6-301(a).

(138) Adopting rules and regulations governing the filing of reports of births and the issuance of delayed birth certificates under D.C. Code, sec. 6-301(b).

(139) Making regulations for the collection and disposition of garbage and annexing penalties to such regulations under D.C. Code, sec. 6-501.

(140) Making regulations to carry out the purposes of the Act of March 4, 1929 (relating to combustible refuse) under D.C. Code, sec. 6-507.

(141) Specifying fees for disposing of combustible material in incinerators built by the District of Columbia, and designating routes for hauling or transporting the material, under D.C. Code, sec. 6-511.

(142) Prescribing by regulation the manner of describing, on mattress tags, material used in mattresses under D.C. Code, sec. 6-603.

(143) Making regulations to regulate the design, construction, and maintenance of disposal systems, and the handling, storage, treatment, and disposal of wastes, under D.C. Code, sec. 6-703.

(144) Making and promulgating classifications and regulations for the installation and operation of combustion and other devices susceptible for use in such manner as to violate purposes of smoke prevention law, amending or rescinding such regulations, and promulgating amended for additional regulations under D.C. Code, sec. 6-802.

(145) Making rules and regulations to carry out authority to take measures for the protection of persons and property under D.C. Code, sec. 6-1009 (preamble).

(146) Making regulations to govern the establishment, maintenance, and operation of civil defense units and organizations and the discipline of the members thereof under D.C. Code, sec. 6-1009(a).

(147) Prescribing penalties for violations of regulations promulgated pursuant to the Act of December 26, 1941 under D.C. Code, sec. 6-1010.



(148) Promulgating regulations requiring that cancer, sarcoma, lymphoma (including Hodgkin's disease), leukemia, and all other malignant growths be reported under D.C. Code, sec. 6-1301.

(149) Prescribing a penalty or fine for the violation of any regulation promulgated under the Act of July 27, 1951 under D.C. Code, sec. 6-1304.

*7. Highways, streets, and bridges*

(150) Making regulations for keeping in repair streets, avenues, alleys, sewers, and other works under D.C. Code, sec. 7-101.

(151) Changing the name of any street, road, avenue, or other highway when there is duplication of names under D.C. Code, sec. 7-106.

(152) Naming or renaming streets, avenues, alleys, highways, and reservations under D.C. Code, sec. 7-107.

(153) Determining the extent to which plans for the extension of a permanent system of highways may be out of conformity with the street plan of the city of Washington under D.C. Code, sec. 7-108.

(154) Naming streets, avenues, alleys, and reservations under D.C. Code, secs. 7-112 and 7-116.

(155) Abandoning or readjusting streets or proposed streets (in order to provide grounds for educational, religious, or similar institutions) under D.C. Code, sec. 7-113.

(156) Determining the extent to which plans for the extension of highways may be out of conformity with street plan, and naming streets, avenues, alleys, and reservations, under D.C. Code, sec. 7-116.

(157) Accepting the dedication of streets, prescribing regulations in regard to the height of parking and the projection of buildings beyond the building line, and making determinations respecting the District of Columbia having right-of-way through parking, under D.C. Code, sec. 7-117.

(158) Determining the extent to which new highway plans may be out of conformity with the street plan under D.C. Code, sec. 7-122.

(159) Opening, extending, or widening streets, avenues, roads, or highways under [former] D.C. Code, sec. 7-201 [now § 9-1217.11].

(160) Closing alleys or parts of alleys under D.C. Code, sec. 7-302.

(161) Accepting the dedication of alleys, and closing existing alleys, under D.C. Code, sec. 7-303.

(162) Closing alleys or parts of alleys under D.C. Code, sec. 7-304.

(163) Closing alleys under D.C. Code, sec. 7-305.

(164) Making orders declaring existing alleyways closed and opening new substitute alleyways, under D.C. Code, sec. 7-306.

(165) Making an order canceling existing subdivision of any square and obliterating alleys therein under D.C. Code, sec. 7-308.

(166) Closing alleys or parts of alleys under D.C. Code, sec. 7-309.

(167) Setting land aside for alley purposes under D.C. Code, sec. 7-310.

(168) Closing any street, road, highway, or alley, or any part of any thereof (including the making of the required finding thereon) under D.C. Code, sec. 7-401.



(169) Making regulations for the safety of the public using bridges and for the lighting and the police control of bridges under D.C. Code, sec. 7-501.

(170) Ordering the removal of abandoned street railway tracks, settling claims against D.C. Transit System, Inc., for the paving of abandoned track areas, and determining terms and conditions as to time of payment or payments under D.C. Code, sec. 7-604a.

(171) Regulating the location and depth of gas mains under D.C. Code, sec. 7-706.

(172) Jurisdiction and control over MacArthur Boulevard (formerly Conduit Road) and levying assessments for public improvements, under D.C. Code, sec. 7-1201 (40 U.S.C. 53a).

(173) Denominating portions of streets as business streets, and prescribing general regulations, under D.C. Code, sec. 7-1205.

(174) Granting a Railroad Company permission to lay, maintain, and use sidetracks and sidings under D.C. Code, sec. 7-1210.

(175) Approving the point or points at which additional stations or depots may be constructed, established, and maintained, and approving plans for connecting tracks and elevated structures, under D.C. Code, sec. 7-1212.

(176) Approving the construction of railroad tracks and appurtenant turnouts, branch tracks, and sidings under D.C. Code, sec. 7-1218; and approving plans for the construction of branch sidings under the Act of September 26, 1961 (D.C. Code, note at sec. 7-1218).

(177) Approving the location and construction of railroad tracks, turnouts, branch tracks, spurs, and sidings, under D.C. Code, sec. 7-1219.

(178) Approving wage rates fixed and adjusted from time to time by a wage board, under D.C. Code, sec. 7-1236.

## *8. Parks*

(179) Setting aside space in the streets and avenues for park purposes, denominating portions of streets as business streets, and prescribing general regulations under D.C. Code, sec. 8-108.

(180) Jurisdiction and control of the street parking in streets and avenues under D.C. Code, sec. 8-110.

(181) Transferring jurisdiction over properties or parts thereof to Federal authorities, and accepting from Federal authorities jurisdiction over properties or parts thereof, under D.C. Code, sec. 8-115 (40 U.S.C. 122).

(182) Making rules and regulations for the management of a public convenience station, and fixing charges for the use of such station under D.C. Code, sec. 8-138.

(183) Making rules and regulations for the management of public convenience stations, and fixing charges for the use of the conveniences, under D.C. Code, sec. 8-140.

(184) Accepting land and dedications of land under D.C. Code, sec. 8-162.

(185) Making regulations relating to a beach and dressing houses under D.C. Code, sec. 8-168.

*9. Public buildings and grounds*

(186) Making rules and regulations for the government and control of wharves, piers, bulkheads, structures, adjacent waters, basins, slips, docks, and land under water under D.C. Code, sec. 9-101.

(187) Making rules and regulations for the government and proper care of property and annexing penalties to said rules and regulations, and making rules and regulations in regard to building and repairing wharves, the rental thereof, and the rate of wharfage, under D.C. Code, sec. 9-102.

(188) Fixing penalties of bonds of employees under D.C. Code, sec. 9-134(a).

(189) Prescribing by regulation the uniform and identification badge to be worn by individuals under D.C. Code, sec. 9-134(b).

(190) Making and amending regulations for the protection of life and property in or on institutional buildings or grounds under D.C. Code, sec. 9-135.

(191) Acquiring certain squares and reservations, including buildings and other structures thereon, as a site for a municipal center, and closing and vacating portions of streets and alleys, under D.C. Code, sec. 9-201.

(192) Making the finding that real estate is no longer required for a public purpose, under D.C. Code, sec. 9-301 (40 U.S.C. 72c).

(193) Exchanging District-owned land or part thereof under D.C. Code, sec. 9-401.

*10. Weights, measures, and markets*

(194) Prescribing the manner of approving and sealing, stamping, or marking devices or appliances under D.C. Code, sec. 10-103.

(195) Establishing and allowing variation, tolerances, and exemptions, as to small packages, under D.C. Code, sec. 10-117.

(196) Fixing standard loads by which split wood may be sold under D.C. Code, sec. 10-118.

(197) Establishing tolerances and specifications for scales, weights, measures, weighing or measuring instruments or devices, and containers under D.C. Code, sec. 10-127.

(198) Prescribing regulations governing the granting of licenses for the location of public scales, and approving and fixing fees, under D.C. Code, sec. 10-128.

(199) Making regulations for the control, regulation, and supervision of markets under D.C. Code, sec. 10-130.

(200) Making regulations for the control, regulation, and operation of the municipal fish wharf and market under D.C. Code, sec. 10-135.

(201) Making and promulgating rules and regulations for the control and operation of the wholesale farmers' produce market, and establishing a scale of charges, under D.C. Code, sec. 10-137.

*11. Feeble-minded persons*

(202) Adopting regulations relating to receiving feeble-minded persons into the District Training School under D.C. Code, sec. 21-1102.

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(203) Prescribing general conditions for granting paroles to patients under D.C. Code, sec. 21-1120.

### *12. Criminal offenses*

(204) Restricting, prohibiting, regulating, and controlling hunting and fishing and the taking, possession and sale of wild animals under D.C. Code, sec. 22-1628.

(205) Prescribing regulations regarding the disposal of property under D.C. Code, sec. 22-1630(a) (last sentence).

(206) Making, altering, and amending harbor regulations under D.C. Code, sec. 22-1701.

(207) Establishing rules and regulations for the administration of the Act of August 12, 1937 (relating to the marking and labeling of packages of potatoes) under D.C. Code, sec. 22-3409.

(208) Making rules and regulations to carry out the Act of December 16, 1941 (relating to food which is unwholesome or unfit for use) under D.C. Code, sec. 22-3419.

### *13. Execution fees*

(209) Fixing the fees of an executioner and his assistants for services under D.C. Code, sec. 23-702.

### *14. Prisoners; institutions*

(210) Rules and regulations permitting the discharge of parolees under D.C. Code, sec. 24-204(b).

(211) Prescribing regulations for employment of persons sentenced to imprisonment in the jail under D.C. Code, sec. 24-412.

(212) Prescribing regulations regarding the sale of surplus products under D.C. Code, sec. 24-418.

(213) Rules and regulations for the government of institutions under D.C. Code, sec. 24-442.

### *15. Alcoholic beverages*

(214) Prescribing other authority under D.C. Code, sec. 25-106 (last sentence).

(215) Prescribing, making, altering, and amending rules and regulations under D.C. Code, sec. 25-107.

(216) Promulgating regulations under D.C. Code, sec. 25-111(c).

(217) Requiring by regulation that no licensee holding a retailer's license, Class A, B, C, D, or E shall transport any alcoholic beverage into the District of Columbia, permitting such importation under a special permit or permits, prescribing the terms, conditions, and manner of issuance of such permit or permits, and suspending, amending, revoking, or abolishing any such regulations, permit, or system of permits under D.C. Code, sec. 25-112.



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(218) Promulgating regulations to permit owners of warehouse receipts to withdraw bonded liquors under D.C. Code, sec. 25-115(c).

(219) Suspending or revoking in whole or in part the requirements of D.C. Code, sec. 25-123, under D.C. Code, sec. 25-123(c).

(220) Prescribing by regulation methods or devices or both for the assessment, evidencing or payment, and collection of taxes under D.C. Code, sec. 25-124(c)(3).

(221) Requiring that the immediate container of each beverage contain the license number of each licensee who sells or offers for sale such beverages under D.C. Code, sec. 25-124(g).

(222) Prescribing the manner of collection and payment of tax on beer under D.C. Code, sec. 25-138.

### *16. Charters of incorporation; money lending*

(223) Granting or refusing a charter of incorporation under D.C. Code, sec. 26-305.

(224) Making rules and regulations for the conduct of business of making loans, and for the enforcement of the Act of February 4, 1913, under D.C. Code, sec. 26-611.

### *17. Tissue banks; crematorium*

(225) By regulations, authorizing tissue banks and others to remove, transport, and dispose of tissue from dead bodies of human beings without permit under D.C. Code, sec. 27-119a.

(226) Making rules for the proper maintenance and operation of a public crematorium under D.C. Code, sec. 27-130.

### *18. Standard time*

(227) Advancing the standard time applicable to the District of Columbia under D.C. Code, secs. 28-2711 and 28-2804.

### *19. Corporations*

(228) Approving newspapers in which persons may give notice of intention to present to Congress bills for incorporation or for alteration or extension of corporation charters under D.C. Code, sec. 29-102.

(229) Fixing fees relating to process under D.C. Code, sec. 29-933(e)(2).

(230) Making rules and regulations relating to service of process under D.C. Code, sec. 29-933(e)(5).

(231) Providing an official seal under D.C. Code, sec. 29-935(c).

(232) Making and modifying regulations to carry out the Act of June 8, 1954, and prescribing penalties for the violation of any such regulations, under D.C. Code, sec. 29-935(f).

(233) Determining fee which shall be charged for furnishing a certificate as to the status of a corporation or as to the existence or nonexistence of facts relating to corporations under D.C. Code, sec. 29-936(b)(21).

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(234) Making regulations providing for fees for services under D.C. Code, sec. 29-1092(s).

(235) Making and modifying regulations to carry out the provisions of the Act of August 6, 1962, and prescribing penalties for the violation of any such regulation, under D.C. Code, sec. 29-1093(e).

### 20. Education

(236) Approving amounts fixed by the Board of Education to be paid for non-residents to cover the expense of tuition and costs of textbooks and school supplies under D.C. Code, sec. 31-307(b).

(237) Approving regulations made by the Board of Education to carry out the intent and purposes of the Act of September 8, 1960 under D.C. Code, sec. 31-308(a).

(238) Making rules and regulations for the purpose of carrying into full force and effect the provisions of the Act of January 15, 1920 under D.C. Code, sec. 31-717.

(239) Prescribing regulations regarding the deposit of additional sums by any teacher, and prescribing table of mortality, under D.C. Code, sec. 31-721.

(240) Making rules and regulations for the purpose of carrying the provisions of the Act of August 7, 1946 into full force and effect under D.C. Code, sec. 31-736.

(241) Making regulations concerning (i) the form of application by officers of any medical or dental college for registration and a permit to commence or continue business, (ii) the evidence to be adduced in support thereof, and (iii) the method of taking such evidence, giving notice of hearings upon applications, holding hearings, and making inquiries under D.C. Code, sec. 31-902.

(242) Closing streets and alleys under D.C. Code, sec. 31-1108.

(243) Promulgating rules and regulations governing the manner in which the District duties relating to surplus property shall be carried out, including the fixing of fees to be charged for services, under D.C. Code, sec. 31-1302.

(244) All functions vested in the Board of Commissioners of the District of Columbia by D.C. Code, sec. 31-1522(b).

### 21. Institutions, agencies, and services

(245) Promulgating regulations to govern the establishment and maintenance of private hospitals and asylums, and regulating the issuance, suspension, and revocation of licenses, under D.C. Code, sec. 32-304.

(246) Making rules and regulations under D.C. Code, sec. 32-306.

(247) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-308.

(248) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-309.

(249) Establishing rates and regulations respecting the admission of patients under D.C. Code, sec. 32-310.

(250) Establishing rates and regulations respecting the admission of pay patients under D.C. Code, sec. 32-313.

(251) Prescribing rates for furnishing clinical services, drugs, pharmaceutical preparations, or x-ray service, and determining the necessity of using appropriations without regard to the rates prescribed, under D.C. Code, sec. 32-322.

(252) Establishing standards of indigency for admission of patients to municipal hospitals, and establishing rates at which, and regulations under which, emergency and semi-indigent patients may be admitted to wards of Gallinger Municipal Hospital on a full- or part-time basis, under D.C. Code, sec. 32-326.

(253) Making rules and regulations for enforcing discipline, for imparting instruction or preserving health, and for the physical, intellectual, and moral training of the inmates of the institution for the custody, care, education, training, and treatment of feeble-minded persons under D.C. Code, sec. 32-604.

(254) Approving rules and regulations, and approving amendments of rules and regulations prescribing standards of placement, care, and services to be required of child-placing agencies under D.C. Code, sec. 32-783.

(255) Making, altering, amending, and changing bylaws, rules, and regulations for the government of the National Training School for Girls, its officers, teachers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of girls committed to the school under D.C. Code, sec. 32-904.

(256) Prescribing regulations respecting the sale of surplus products under D.C. Code, sec. 32-1009.

(257) Establishing rates and regulations respecting the care and treatment of any patients under D.C. Code, sec. 32-1010.

## *22. Food and drugs*

(258) Preparing rules and regulations with regard to the proper method of collecting and examining drugs and articles of food, under D.C. Code, sec. 33-104.

(259) Making regulations to protect the milk, cream, and ice cream supply of the District of Columbia under D.C. Code, sec. 33-307.

(260) Prescribing regulations under which milk and cream shall be pasteurized under D.C. Code, sec. 33-315.

(261) By regulation, including places other than creameries or receiving stations under the provisions of section 17 of the Act of February 27, 1925 under D.C. Code, sec. 33-317 (second sentence).

(262) Making rules and regulations for the administration and enforcement of the Narcotic Drug Act of June 20, 1938 under D.C. Code, sec. 33-405.

(263) Making rules and regulations to carry out the purposes of the Act of July 3, 1943 under D.C. Code, sec. 33-502.

(264) After reasonable public notice and opportunity for a hearing, finding and declaring drugs or compounds, preparations, or mixtures thereof to be habit-forming, excessively stimulating, or to have a dangerously toxic, or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33-701(1)(C).



(265) After reasonable public notice and opportunity for hearing, declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of barbituric acid, its salts and derivatives to have or contain no habit-forming properties and not to have a dangerously toxic or hypnotic or somnifacient effect on the body of a human or animal under D.C. Code, sec. 33-703(1).

(266) After reasonable public notice and opportunity for hearing, finding and declaring by rule or regulation duly promulgated that a compound, mixture, or preparation of amphetamine, desoxyphedrine, phenylethylamine, or their salts or derivatives to contain in addition to such drug or its salts and derivatives some other drug or drugs causing it to possess other than an excessively stimulating effect upon the central nervous system and to have no habit-forming properties or dangerously toxic effect upon the body of a human or animal under D.C. Code, sec. 33-703(2).

(267) Promulgating regulations for the administration and enforcement of the Act of July 24, 1956 under D.C. Code, sec. 33-707.

### *23. Insurance*

(268) Making rules and regulations to make the conduct of each company in the same line of insurance conform in doing business in the District under D.C. Code, sec. 35-102.

(269) Prescribing rules and regulations for the hearing of appeals (of health, accident, and life insurance companies) under D.C. Code, sec. 35-202.

(270) Requiring, under D.C. Code, sec. 35-407, that at least once in the month of March in each year a summary of the annual financial statement filed thereunder be published in a daily newspaper.

(271) Making and prescribing rules and regulations (subject to the approval of the court) under D.C. Code, sec. 35-419 (penultimate paragraph).

(272) Requiring information, in addition to that specified in the statute, to be included in applications filed for licensing as life insurance general agent, agent, or solicitor, under D.C. Code, sec. 35-425.

(273) Requiring information, in addition to that specified in the statute, to be included in applications for licensing as a life insurance broker under D.C. Code, sec. 35-428.

(274) Prescribing rules and regulations governing inspectors of elections held by policy holders of domestic stock life insurance companies for the purpose of converting to a mutual company under D.C. Code, sec. 35-519.

(275) Issuing rules and regulations to carry out the purposes of section 41 of the Act of June 19, 1934 under D.C. Code, sec. 35-541(f).

(276) Making rules and regulations concerning the procedure for the filing or submission of policies under D.C. Code, sec. 35-712-3-(f); and making rules and regulations concerning the provisions in supplemental contracts and the submission and approval of such contracts under D.C. Code, sec. 35-712 (last proviso).

(277) Making rules and regulations necessary in making effective the provisions of the Fire and Casualty Act of October 9, 1940 under D.C. Code, sec. 35-1304.

(278) Approving agreements and bylaws established by the rating bureau for its governance, approving rules and regulations adopted by the rating bureau to carry out its functions, and approving amendments to such agreements, bylaws, rules, and regulations under D.C. Code, sec. 35-1404.

(279) Making and promulgating (i) regulations governing the enforcement of the provisions of the Act of May 20, 1948 (providing for regulation of casualty and other insurance rates), (ii) regulations necessary in making that Act effective, and (iii) rules for making compilations of statistical data available to companies and rating organizations under D.C. Code, sec. 35-1508.

#### *24. Labor*

(280) Adopting and promulgating regulations defining terms under section 10 of the Act of February 24, 1914 (sec. 3, Public Law 89-684, approved October 15, 1966).

(281) Making and revising regulations, including definition of terms, under section 8 of title I of the Act of September 19, 1918 (Public Law 89-684, approved October 15, 1966).

(282) Prescribing by regulation records or information necessary or appropriate for the enforcement of the provisions of the Act of September 19, 1918, as amended by Public Law 89-684, approved October 15, 1966, or of the regulations or orders issued thereunder, under section 11 of that Act.

(283) (i) Determining and fixing standards of safety in employment, places of employment, in the use of devices and safeguards, and in the use of practices, means, methods, operations, and processes of employment, and (ii) promulgating general rules and regulations and fixing minimum safety requirements, under D.C. Code, sec. 36-433.

(284) Adopting and promulgating rules and regulations under D.C. Code, sec. 36-434.

(285) Promulgating regulations defining and delimiting the term "any person employed in a bona fide executive, administrative, or professional capacity" under D.C. Code, sec. 36-601(b).

#### *25. Motor vehicles*

(286) Providing by regulation for the issuance of (i) registration certificates and identification tags, (ii) duplicate registration certificates or duplicate identification tags and (iii) special use identification tags under D.C. Code, sec. 40-102(b); and promulgating thereunder the regulations referred to in paragraphs (1) and (4) thereof.

(287) Extending the effective period of registration of motor vehicles under D.C. Code, sec. 40-102(c).

(288) Prescribing regulations to carry out provisions of law respecting registration of, and identification tags for, motor vehicles and trailers, under D.C. Code, sec. 40-102(e).

(289) Prescribing rules and regulations respecting the revocation or suspension of dealers' registrations and dealers' identification tags, including return of such tags, under D.C. Code, sec. 40-102(f).



(290) Prescribing tags treated with special reflective materials and fixing the additional fee charged in connection therewith under D.C. Code, sec. 40-103(a).

(291) Determining the percentage of fees for registration of motor vehicles and trailers to be credited to the General Fund of the District of Columbia under D.C. Code, sec. 40-103(d).

(292) Prescribing regulations relating to the issuance of motor vehicle operators' permits and to extending the validity of certain motor vehicle operators' permits under D.C. Code, secs. 40-301(a)(1) and (6).

(293) Prescribing by regulation matter to be stated on each motor vehicle operator's permit under D.C. Code, sec. 40-301(b).

(294) Making rules and regulations for the administration of the Motor Vehicle Safety Responsibility Act of the District of Columbia under D.C. Code, sec. 40-419.

(295) Making, modifying, and repealing rules and regulations under D.C. Code, sec. 40-603(a).

(296) Making and modifying regulations in respect to brakes, horns, lights, mufflers, and other equipment, the inspection of the same; the registering, reregistering, titling, retitling, transferring of titles, and revocation of the certificate of title to motor vehicles and trailers, under D.C. Code, sec. 40-603(c).

(297) Making, modifying, and repealing rules and regulations in respect to the movement of traffic, speed, length, weight, height, width, routing, and parking of vehicles, the establishment and location of hack stands, and the establishment and location of parking areas for use of Members of Congress and Government officials, under D.C. Code, sec. 40-603(e).

(298) Making regulations with respect to the control of traffic under D.C. Code, sec. 40-603(f).

(299) Prescribing penalties under D.C. Code, sec. 40-603(g).

(300) Designating and reserving parking spaces for the use of Members of the Congress under D.C. Code, sec. 40-604 (40 U.S.C. 60a).

(301) Permitting parking of motor vehicles in the Municipal Center, selecting officers and employees whose vehicles may be parked there, and making regulations for the control of the parking of such vehicles, including authority to prescribe fees and charges for the privilege of parking of such vehicles, under D.C. Code, sec. 40-604a(a).

(302) Permitting the public to park motor vehicles in a portion or portions of the Municipal Center, setting aside the portion or portions of that Center for such purpose, making regulations for the control of parking in the portion or portions so set aside (including the authority to restrict the privilege of parking therein to persons having business in the Municipal Center), making regulations to prohibit parking in all portions of the Municipal Center not set apart for such purposes, and prescribing fees and charges for the privilege of parking motor vehicles, under D.C. Code, sec. 40-604a(b).

(303) Prescribing penalties under D.C. Code, sec. 40-604a(c).

(304) Making rules and regulations for the control of the parking of vehicles, and prescribing fees for the privilege of parking vehicles under D.C. Code, sec. 40-616.



(305) Making regulations necessary in the furtherance of the purposes of D.C. Code, sec. 40-617 under the last sentence thereof.

(306) Establishing and revising uniform schedules of rates to be charged for use of space in each parking facility, providing rate differentials, prescribing and promulgating rules and regulations for the carrying out of the provisions of the District of Columbia Motor Vehicle Parking Facility Act of 1942, determining the time within which the cost of acquiring and improving the property shall be liquidated, and providing for the acquisition and improvement of other necessary parking facilities under D.C. Code, sec. 40-804(d).

(307) Making rules and regulations for the control of parking of vehicles, and prescribing fees for the parking of vehicles, under D.C. Code, sec. 40-804(e).

(308) Fixing the amount of collateral to be deposited under D.C. Code, sec. 40-810.

(309) Including fees within the definition of the term "Governmental charges" under D.C. Code, sec. 40-901(4).

(310) By regulation or order, determining, fixing, redetermining, and refixing, maximum finance charges under D.C. Code, sec. 40-902(d).

(311) Making regulations to carry out the purposes of section 2 of the Act of April 22, 1960 under D.C. Code, sec. 40-902(e)(1).

(312) Making additional regulations under D.C. Code, sec. 40-902(e)(2).

(313) Making classifications under D.C. Code, sec. 40-902(e)(3).

(314) By regulation, (i) prohibiting the inclusion of certain provisions in any retail installment contract, and (ii) providing that waivers or purported waivers shall be void and of no effect, under D.C. Code, sec. 40-902(f).

(315) Prescribing by regulation security required of licensed persons, establishing classes and subclasses of persons, specifying the amount and conditions of the bond to be deposited by each of the members of any such class or subclasses, and by regulation requiring applicants for licenses (i) to furnish and keep in force a bond or other security, (ii) to procure and keep in force public liability insurance and property damage insurance, or both, and (iii) to appoint an attorney for the service of process and notices under D.C. Code, sec. 40-903(a).

(316) Promulgating regulations to carry out the purposes of Act regulating retail installment sales of motor vehicles under D.C. Code, sec. 40-905.

## *26. Public utilities*

(317) Fixing regulations under which electric light companies may be authorized to construct, use, and extend conduits, and prescribing regulations under which electric lighting companies may extend underground conduits and wires, under D.C. Code, sec. 43-1101.

(318) Prescribing conditions and regulations to permit the erection of poles and the stringing of overhead wires thereon under D.C. Code, sec. 43-1105.

(319) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43-1106.

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(320) Making regulations concerning granting of permits for repair, enlargement, and extension of electric-lighting conduits under D.C. Code, sec. 43-1107.

(321) Prescribing regulations under D.C. Code, sec. 43-1406.

(322) Prescribing regulations under D.C. Code, sec. 43-1414.

(323) Making regulations for the proper distribution of water under D.C. Code, sec. 43-1503.

(324) Determining the frequency of levying and collecting water rates under D.C. Code, sec. 43-1504.

(325) Fixing the rates charged for water and water services under D.C. Code, sec. 43-1520c.

(326) Establishing charges for the provision of sanitary sewer service under D.C. Code, secs. 43-1605 and 43-1606.

(327) Promulgating regulations to effectuate purposes of Title II of the Act of May 18, 1954 under D.C. Code, sec. 43-1608.

(328) Imposing additional charge for unpaid sanitary sewer service charge under D.C. Code, sec. 43-1609.

(329) Making rules and regulations to carry out provisions of Public Works Act of 1954 under D.C. Code, sec. 43-1618.

(330) Prescribing regulations respecting the operation and maintenance of the Potomac Interceptor under D.C. Code, sec. 43-1621(a).

### *27. Passenger motor vehicles for hire*

(331) Approving form of, and terms and conditions of filing, evidence under D.C. Code, sec. 44-301.

(332) Making rules and regulations governing the writing of insurance, the making of bonds, and the business of insuring or bonding risks under D.C. Code, sec. 44-302.

### *28. Real property*

(333) Prescribing by regulation extensions of time under D.C. Code, sec. 45-723(d)(1).

(334) Prescribing by regulation methods or devices, or both, for the evidencing of payment and the collection of taxes under D.C. Code, sec. 45-736.

(335) Prescribing rules and regulations to carry out the purposes of subchapter II of chapter 7 of title 45 of the D.C. Code, under D.C. Code, sec. 45-737.

(336) Adopting a seal and prescribing the design engraved thereon, and making, revising, or repealing regulations to carry out the provisions of chapter 14 of title 45 of D.C. Code, under D.C. Code, sec. 45-1403.

(337) Requiring proof of the honesty, truthfulness, and integrity of the applicant under D.C. Code, sec. 45-1405.

### *29. Social security*

(338) Prescribing regulations for estimating and determining the reasonable cash value of remuneration in any medium other than cash and for

estimating and determining the reasonable amount of gratuities under D.C. Code, sec. 46-301(c).

(339) Prescribing by regulation the period of time as equivalent to a calendar quarter under D.C. Code, sec. 46-301(k).

(340) Prescribing the period of time to be used for the term "month" under D.C. Code, sec. 46-301(n).

(341) Prescribing by regulation the period of seven consecutive days to be used as a "week" under D.C. Code, sec. 46-301(o).

(342) Prescribing regulations specifying time within which employers shall make a return of, and pay contributions accrued with respect to, wages paid during preceding calendar quarter with respect to employment, under D.C. Code, sec. 46-304(b).

(343) Prescribing regulations respecting issuance of certificate of release of lien for taxes under D.C. Code, sec. 46-304(e).

(344) Prescribing the extent to which rulings, regulations, or decisions shall be applied without retroactive effect under D.C. Code, sec. 46-304(k).

(345) Prescribing regulations regarding reduction of benefits under D.C. Code, sec. 46-307(c).

(346) Prescribing regulations regarding the making of claims for benefits under D.C. Code, sec. 46-309(a).

(347) Prescribing regulations specifying the frequency and manner of registration and inquiries for work, and by regulation waiving or altering requirements for benefits, under D.C. Code, sec. 46-309(d).

(348) Prescribing regulations governing determinations as to what constitutes leaving work voluntarily without good cause under D.C. Code, sec. 46-310(a).

(349) Prescribing regulations under D.C. Code, sec. 46-310(c).

(350) Prescribing regulations under D.C. Code, sec. 46-310(e).

(351) Prescribing regulations under D.C. Code, sec. 46-311(a).

(352) Prescribing regulations under D.C. Code, sec. 46-311(c).

(353) Prescribing regulations under D.C. Code, sec. 46-311(e).

(354) Fixing rate of fees allowed witnesses under D.C. Code, sec. 46-311(g).

(355) Requiring bonds of employees under D.C. Code, sec. 46-313(a).

(356) Making regulations to carry out the provisions of chapter 3 of title 46 of the D.C. Code under D.C. Code, sec. 46-313(b).

(357) By regulations prescribing restrictions, subject to which information may be made available, under D.C. Code, sec. 46-313(f).

(358) Entering into reciprocal arrangements under D.C. Code, sec. 46-316(a).

(359) Prescribing work records to be kept, under D.C. Code, sec. 46-317(a).

### *30. Taxation and fiscal affairs*

(360) Fixing amounts of bonds under D.C. Code, secs. 47-113c and 47-120a.

(361) Requiring the giving of bond under D.C. Code, sec. 47-122.

(362) Requiring the giving of bond under D.C. Code, sec. 47-303.

(363) Ascertaining, determining, and fixing annually rate of taxation under D.C. Code, sec. 47-501.



(364) Determining whether any money raised in any fiscal year in excess of the needs for that year shall be available in the succeeding year for the purpose of meeting expenses or for enabling the fixing of a lower rate of taxation for the year following, or both, under D.C. Code, sec. 47-503.

(365) Reporting annually to the Congress the use being made of property specifically exempted from taxation, and any changes in such use, with recommendations, under D.C. Code, sec. 47-801a(e).

(366) Making and promulgating rules and regulations to carry out the intent and purposes of the Act of December 24, 1942 under D.C. Code, sec. 47-801f.

(367) Fixing date of sale of real property on which taxes are levied and in arrears under D.C. Code, sec. 47-1001.

(368) Requiring by regulation the times and manner of reporting income and the information to be reported under D.C. Code, sec. 47-1577a(b)(17) (last paragraph) (Public Law 89-591).

(369) Promulgating rules and regulations permitting as a deduction from gross income allowances for depletion of natural resources under D.C. Code, sec. 47-1557b(a)(7).

(370) Including in regulations tax table for elective use in connection with paying the tax under D.C. Code, sec. 47-1567b(b).

(371) Prescribing regulation or regulations for determining under formula or formulas provided therein the portion of net income subject to tax under the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47-1580a.

(372) Prescribing and promulgating all regulations referred to in D.C. Code, sec. 47-1586g.

(373) Prescribing and publishing rules and regulations for the enforcement of the District of Columbia Income and Franchise Tax Act of 1947 under D.C. Code, sec. 47-1595.

(374) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1956 under D.C. Code, sec. 47-1595a.

(375) Making rules and regulations for enforcement of law imposing inheritance and estate taxes and providing for granting extensions of time under D.C. Code, sec. 47-1618.

(376) Prescribing regulations relating to issuing certificate releasing property from lien under D.C. Code, sec. 47-1623.

(377) Entering into a compact and issuing rules and regulations for the implementation of such compact under section 103 of Public Law 89-11, approved April 14, 1965 (79 Stat. 60).

(378) Entering into an agreement, issuing rules and regulations for the implementation of such agreement, making exemptions from the coverage of the agreement, making changes in methods of reporting, and giving notice of withdrawal from the agreement, under sections 202, 203, and 205 of Public Law 89-11, approved April 14, 1965 (79 Stat. 65, 66).

(379) Promulgating regulations requiring information to be contained in applications under D.C. Code, sec. 47-1903(a)(5).

(380) Making regulations for the administration of the Act of April 23, 1924

(imposing tax on motor-vehicle fuels), and affixing thereto fines and penalties, under D.C. Code, sec. 47-1916.

(381) Determining penal sum of bond to be deposited by applicants for licenses under D.C. Code, sec. 47-2102.

(382) Adopting seal under D.C. Code, sec. 47-2301.

(383) Prescribing regulations for the public decency under D.C. Code, sec. 47-2303.

(384) Classifying buildings, and requiring licenses, under D.C. Code, sec. 47-2328.

(385) Directing as to the identification tags to be borne by licensed vehicles under D.C. Code, sec. 47-2331(f).

(386) Making and modifying regulations governing the conduct of licensed vendors under D.C. Code, sec. 47-2336.

(387) Making regulations for the examination of applicants for licenses under D.C. Code, sec. 47-2338.

(388) Classifying dealers in secondhand personal property under D.C. Code, sec. 47-2339.

(389) Making and promulgating regulations under D.C. Code, sec. 47-2340.

(390) Making regulations for the government and conduct of the business of licensed private detectives under D.C. Code, sec. 47-2341(d).

(391) Requiring a license of businesses or callings other than those specified in the Act and modifying any provision of the Act, under D.C. Code, sec. 47-2344.

(392) Prescribing additional subjects in which applicants for license as undertaker shall be examined under D.C. Code, sec. 47-2344a(b).

(393) Promulgating and altering rules and regulations under D.C. Code, sec. 47-2344a(d)(6).

(394) Making regulations under D.C. Code, sec. 47-2345(a).

(395) Providing by regulation that any inspection shall be made either prior or subsequent to the issuance of a license under D.C. Code, sec. 47-2345(b).

(396) Requiring that a class or subclasses of licensees give bond, and fixing the amount of such bond, under D.C. Code, sec. 47-2345(c).

(397) Making rules and regulations to carry out the provisions of the District of Columbia Revenue Act of 1937, and prescribing and publishing rules and regulations for the enforcement of the Revenue Act of 1939, under D.C. Code, sec. 47-2502.

(398) Prescribing amounts to be added to sales prices and collected from purchasers under D.C. Code, sec. 47-2604(a).

(399) Prescribing regulations governing refunds to vendors of amounts repaid to purchasers under D.C. Code, sec. 47-2617(a).

(400) Making, adopting, and amending regulations under D.C. Code, sec. 47-2620.

(401) Prescribing methods for determining the gross proceeds from sales made or services rendered and for the allocation of such sales and services into taxable and nontaxable sales under D.C. Code, sec. 47-2621(c).

(402) Requiring vendors to keep detailed records, and to furnish information, under D.C. Code, sec. 47-2621(d).

(403) Requiring vendors to file bond, determining the sureties necessary, and the duration of the bond under D.C. Code, sec. 47-2708.

(404) Requiring purchasers to include in monthly returns (relating to compensating-use tax) information necessary for the computation and collection of the tax under D.C. Code, sec. 47-2711(a).

(405) Requiring returns of purchasers to be made for periods and upon dates other than those specified in the Act, and specifying such periods and dates, under D.C. Code, sec. 47-2711(b).

(406) By regulation, including wrapper within the definition of "original package" under D.C. Code, sec. 47-2801(g).

(407) By regulation, permitting tax stamps to be affixed other than to original packages, and approving regulations prescribing the manner of cancellation of stamps, under D.C. Code, sec. 47-2802(c).

(408) Prescribing stamps denoting payment of tax, under D.C. Code, sec. 47-2802(d).

(409) By regulation permitting licensees to pay tax by imprinting impressions upon original packages by the use of metering devices under D.C. Code, sec. 47-2802(h).

(410) By regulation, prescribing terms and conditions for allowing discount from the face value of tax stamps under D.C. Code, sec. 47-2802(i).

(411) Approving regulations permitting cigarettes to be sold in number less than the number contained in the original package, and fixing fee for retailer's license, under D.C. Code, sec. 47-2805(A).

(412) By regulation, requiring that a separate license be obtained for each vending machine or permitting a blanket license for one or more machines, prescribing that evidence of licensing of machines be attached to each machine by means of markers, stickers, or otherwise, and fixing the annual fee for licenses, under D.C. Code, sec. 47-2805(B).

(413) By regulation, authorizing the issuance of a license for a place outside the District of Columbia and authorizing the terms and conditions therefor, and fixing the annual fee for license, under D.C. Code, sec. 47-2805(C)(3).

(414) Fixing by regulation periods for which licenses shall remain in effect, under D.C. Code, sec. 47-2806.

(415) Making rules and regulations to carry out the provisions of chapter 28 of title 47 of the D.C. Code, under D.C. Code, sec. 47-2808.

(416) Prescribing regulations respecting refunds or allowances as credit on purchase of new tax stamps under D.C. Code, sec. 47-2811(a).

(417) Promulgating regulations to carry out the purposes of the Act of September 1, 1959 under D.C. Code, sec. 47-3009.

### *31. Miscellaneous*

(418) Promulgating rules and regulations with respect to the solicitation and voting of proxies, consents, and authorizations under section 2(a) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 123).

(419) By rules and regulations, exempting a transaction or transactions, under section 3(b) (last sentence) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124).



(420) By rules and regulations, defining and prescribing terms and conditions under section 3(d) (last sentence) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124).

(421) Adopting, prescribing, and making the rules and regulations referred to in sections 3(e), 3(f), and 3(h) of the Act of April 18, 1966 (Public Law 89-402; 80 Stat. 124; 125).

(422) Making regulations to secure the preservation of public order and protection of life, health, and property, making special regulations respecting the standing, movement, and operation of vehicles, and fixing fees for special licenses, under the first section of the Act of July 19, 1966 (Public Law 89-514; 80 Stat. 320).

(423) Adopting rules and regulations to carry out the purposes of the District of Columbia Certified Public Accountancy Act of 1966 (Public Law 89-578, approved September 16, 1966), under section 5 of that Act (80 Stat. 787).

(424) Making rules and regulations to carry out the District of Columbia Revenue Act of 1966 (Public Law 89-610, approved September 30, 1966) under section 1005 of that Act (80 Stat. 859).

(425) Appointing two directors of the Washington Metropolitan Area Transit Authority (80 Stat. 1326). Those directors shall be appointed from among a group of individuals consisting of the following: (1) The members of the District of Columbia Council, (2) the Commissioner of the District of Columbia, and (3) the Assistant to the Commissioner of the District of Columbia (provided for in section 302 of this reorganization plan).

(426) Promulgating rules and regulations for the administration of the work release program under Section 5 of the District of Columbia Work Release Act (Public Law 89-803; 80 Stat. 1519).

(427) Fixing stipends of student employees under 5 U.S.C. 5352.

(428) Fixing value of accommodations to be deducted from stipends under 5 U.S.C. 5353.

(429) Prescribing and issuing, or providing for the formulation and issuance of, regulations under 5 U.S.C. 5527(b).

(430) Prescribing regulations for the destruction of animals or live poultry affected with contagious, infectious, or communicable disease, and for the proper disposition of their hides and carcasses, and prescribing regulations for disinfection and other regulations, under section 8 of the Act of May 29, 1884, c. 60, 25 Stat. 33, as amended (21 U.S.C. 130).

(431) Agreeing to the closing and vacating of alleys and portions of streets under section 8(b) of the Public Buildings Act of 1959, P.L. 86-249, 73 Stat. 481, as amended (40 U.S.C. 607(b)).

(432) The functions under Title VI of the Act of October 14, 1940, c. 862, as amended (42 U.S.C. 1581-1590) which are now vested in the Board of Commissioners of the District of Columbia pursuant to the provisions of section 610 of that Act, as amended (42 U.S.C. 1590).

SEC. 403. *Budget.* Functions with respect to requests for regular, supplemental, or deficiency appropriations for the District of Columbia (made in pursu-

ance of section 214 of the Budget and Accounting Act, 1921, as amended (31 U.S.C. 22) or in pursuance of any other provision of law) are hereby transferred so as to accord with the following:

(a) The Commissioner of the District of Columbia shall prepare such requests and submit them to the District of Columbia Council.

(b) If the Council approves the requests so submitted, without revision, it shall return them to the Commissioner and the Commissioner shall submit them to the Bureau of the Budget.

(c) If the Council revises the requests so submitted to the Council, it shall return them, with the revisions, to the Commissioner. If the Commissioner concurs in the revisions he shall submit the revised requests to the Bureau of the Budget.

(d) If the Commissioner does not concur in any one or more of the revisions proposed by the Council he shall return the requests, together with the Council's revisions, to the Council and append a statement of the reasons for not concurring. If the Council, by a three-fourths vote of its members present and voting insists upon any one or more of its original revisions, it shall return the requests and the revisions upon which it insists to the Commissioner within five days and so inform him, and he shall submit the requests, incorporating the revisions upon which the Council insists, to the Bureau of the Budget. If such a three-fourths vote does not prevail or the Council does not act on the requests, the Council shall return the requests to the Commissioner and he shall submit them (without the revisions) to the Bureau of the Budget.

(e) If the Council does not approve or revise the requests within thirty days next following their receipt, the requests shall be deemed to be approved by the Council.

(f) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under this section of concurring or not concurring in revisions of requests proposed by the Council.

SEC. 404. *Zoning Commission.* Functions of the members of the Board of Commissioners of the District of Columbia with respect to serving as members of the Zoning Commission (D.C. Code, sec. 5-412) are hereby transferred as follows:

(a) Those of the President of the Board of Commissioners are transferred to the Chairman of the District of Columbia Council.

(b) Those of the Engineer Commissioner are transferred to the Commissioner of the District of Columbia.

(c) Those of the other member of the Board of Commissioners are transferred to the Vice Chairman of the Council.

SEC. 405. *Officers of the Corporation.* The functions of the Commissioners of the District of Columbia with respect to being officers of the Corporation under D.C. Code, sec. 1-103 are hereby transferred to the members of the District of Columbia Council and to the Commissioner of the District of Columbia in such manner as to accord with the transfers of functions to the Council and the Commissioner, respectively, as effected by the provisions of the foregoing sections of Part IV of this reorganization plan.

SEC. 406. *Approval or disapproval by Commissioner.* (a) Each and every action taken by the Council in pursuance of authority transferred to it by the provisions of this reorganization plan in respect of rules or regulations (exclusive of rules and regulations respecting the internal organization or functioning of the Council or the appointment or direction of personnel employed by the Council) or in respect of penalties or taxes shall be promptly presented to the Commissioner of the District of Columbia (provided for in Part III of this reorganization plan) for his approval or disapproval.

(b) If the Commissioner approves an action of the Council presented to him under subsection (a) of this section, that action shall become effective immediately or at such later time as may be specified in the action of the Council.

(c) If the Commissioner neither approves nor disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council, the action of the Council shall become effective without the approval of the Commissioner upon the expiration of the ten-day period or at such later time as may be specified in the action of the Council.

(d) Where the Commissioner disapproves an action of the Council before the expiration of the first period of ten calendar days following the date on which the action is presented to him by the Council he shall return the action to the Council before such expiration together with a statement of the reasons for his disapproval. No action so returned shall become effective, except that such an action shall become effective if the Council re-adopts the action by a three-fourths vote of the Council members present and voting within thirty days next following the return of the action to the Council. Any action which becomes effective under this subsection shall be effective upon the re-adoption thereof by the Council or upon such later date as may be specified in the action of the Council.

(e) The authority of the Commissioner under section 305 of this reorganization plan (to delegate functions) shall not extend to his functions under the foregoing subsections of section 406.

## PART V. MISCELLANEOUS PROVISIONS

SEC. 501. *Status of certain agencies.* (a) Functions now vested in any agency listed in subsection (b) of this section, or in any officer or body of or under such agency, shall remain so vested; but all functions of the Board of Commissioners of the District of Columbia, and all functions of the President of that Board or of any other member of the Board, relating to the listed agency or its functions or to an officer or body thereof or to the functions of such officer or body shall be deemed to be transferred by Part IV of this reorganization plan.

(b) The following agencies of the Corporation are the agencies referred to in subsection (a) of this section:

- (1) Board of Education (including the public school system)
- (2) Board of Library Trustees (including the public libraries)
- (3) Recreation Board
- (4) Public Service Commission



- (5) Zoning Commission
- (6) Zoning Advisory Council
- (7) Board of Zoning Adjustment
- (8) Office of the Recorder of Deeds
- (9) Armory Board

SEC. 502. *Incidental transfers.* (a) The personnel, property, records, and unexpended balances of appropriations, allocations and other funds employed, used, held, available, or to be made available in connection with the offices of the Board of Commissioners of the District of Columbia or in connection with the offices of the commissioners composing that Board shall be transferred as follows at such time or times as the Director of the Bureau of the Budget shall direct:

(1) So much thereof as the Director of the Bureau of the Budget shall determine to relate primarily to functions transferred to the District of Columbia Council by the provisions of this reorganization plan shall be transferred to that Council.

(2) All other thereof shall be transferred to the Commissioner of the District of Columbia.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

(c) Unless and until other provision is made in pursuance of section 304 of this reorganization plan or by law, personnel, property, records, and unexpended balances of appropriations, allocations, and other funds which are now under the jurisdiction of the Board of Commissioners of the District of Columbia and are not affected by the provisions of subsection (a) of this section shall continue to be attached to or available for the several agencies of the Corporation.

SEC. 503. *Abolitions.* (a) Without prejudice to the continuation of the Corporation, there is hereby abolished the Board of Commissioners of the District of Columbia.

(b) The abolition effected by subsection (a) of this section includes the abolition of the office held by an officer of the Corps of Engineers of the United States Army as the Engineer Commissioner of the District of Columbia (10 U.S.C. 3534(a); D.C. Code, sec. 1-201) and the two other offices of Commissioner of the District of Columbia, but nothing in this reorganization plan shall preclude the detail by the President of not more than three officers assigned to the Corps of Engineers to assist the Commissioner of the District of Columbia in discharging his duties (10 U.S.C. 3534(b); D.C. Code, sec. 1-212).

(c) The joint board authorized and created by section 6(e) of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40-603(e)), together with its functions, is hereby abolished.

(d) The Commissioner of the District of Columbia shall make such provisions as he may deem necessary with respect to winding up the affairs of (1) the Board of Commissioners of the District of Columbia, and (2) the joint board on traffic.

SEC. 504. *Effective dates.* (a) Except as otherwise provided in subsection (b) of this section, the provisions of this reorganization plan shall take effect on the date determined under section 906(a) of title 5 of the United States Code.

(b) Part IV and sections 501, 502, and 503 of this reorganization plan shall take effect when for the first time there are in office under this reorganization plan both (1) the Commissioner provided for in Part III hereof, and (2) not less than six members of the Council provided for in Part II hereof or on such later date as may be specified by the President of the United States.

## MESSAGE OF THE PRESIDENT

*To the Congress of the United States:*

I am transmitting Reorganization Plan No. 3 of 1967 to provide a better government for the citizens of the Nation's Capital.

The explosive growth of the District of Columbia challenges the city on every front — from schools and hospitals, courts and police, to housing and transportation, recreation and job opportunities. If the District is to meet these tests and fulfill the needs of its citizens, it must, as I said in my message on the National Capital, "have the most responsive and efficient government we are capable of providing."

The plan I submit today is more than a matter of routine reorganization. Its vital purpose is to bring Twentieth Century government to the Capital of this Nation: to strengthen and modernize the government of the District of Columbia; to make it as efficient and effective as possible.

The present form of District government was designed almost a century ago for a community of 150,000 people. The District government then employed less than 500 persons and administered a budget of less than four million dollars.

Today Washington has a population of 800,000. It is the center of the country's fastest growing metropolitan area with a population of 2.5 million. The District's Government now employs some 30,000 people and the proposed 1968 budget is more than half a billion dollars.

The machinery designed more than 90 years ago to govern a small community is now obsolete. The commission form of government — unorthodox when the Congress accepted it as a temporary measure in 1874 — provides neither effective nor efficient government for the Nation's Capital. That form of government has long since been abandoned by the few cities which adopted it around the turn of the century. Today none of the Nation's 27 largest cities and only two of the country's 47 cities with populations exceeding 300,000 have a government of divided authority.

The District of Columbia is governed by three Commissioners. Each Commissioner is the chief executive — the mayor — but for only a part of the government. Yet, the problems of the District of Columbia, like those of any major city, cannot be neatly broken into three parts. Any effort to control crime, for example, cuts across virtually every function of government — from police and corrections to housing, education, health and employment. An effective attack on the problem requires action by two or more Commissioners and the



Departments for which they are separately responsible — a time-consuming and often costly process.

The District has been fortunate in the caliber and dedication of the men who have served as Commissioners, but it can no longer afford divided executive authority. Its government must be able to respond promptly and effectively to new demands and new conditions. This requires clear-cut executive authority and flexible government machinery — not divided authority which too often results in prolonged negotiations and inaction.

The problem of divided executive authority in the District is aggravated by the additional non-executive responsibilities now borne by the Commissioners. As a member of the Board of Commissioners, each must now make rules and regulations on matters with which he is not otherwise concerned as an executive. Some of these quasi-legislative responsibilities — such as police regulations and property taxation — are of great importance to the city. Many — such as the naming of streets and the labeling of potato packages — are merely time-consuming. None should require a substantial portion of the time of the chief executive of a major city.

The reorganization plan I propose would remedy these deficiencies in the present form of government. It would:

Unify executive and administrative authority.

Eliminate competing and sometimes conflicting assignments of responsibility.

Provide for the informed exercise of quasi-legislative functions through a Council which would be bipartisan and representative of the community.

Permit the single Commissioner to organize the District government to provide effective day-to-day administration.

Under the plan, subject to Senate confirmation, the President would appoint a single Commissioner as chief executive and a bipartisan Council of nine members. The Commissioner would serve a four-year term, corresponding to that of the President. Council members would serve three-year terms, with three members to be appointed each year. The staggered terms would insure continuity of experience on the Council.

The plan would abolish the present Board of Commissioners of the District of Columbia. Its powers and responsibilities would be apportioned between the single Commissioner and the Council.

The Commissioner would be assigned the executive functions now vested in the Board of Commissioners. He would be given responsibility and authority to organize and manage the District government, to administer its programs and to prepare its budget. The plan also provides for an Assistant to the Commissioner to help him carry out these responsibilities.

The Council would be assigned the quasi-legislative functions now performed by the Board of Commissioners. The plan describes more than 430 functions which would be transferred to the Council. These include major responsibilities such as the approval of boundaries and plans for urban renewal, establishment of rules governing the licensing of professions, and setting of rates for property taxation. The council would also be empowered to review and revise the Commissioner's budget before submission to the President.



Since the plan was announced in my Message on the Nation's Capital, we have been working to strengthen the Office of Commissioner and the Council. Out of this process of refinement four key changes have emerged, and have been incorporated into the plan.

First, the plan would authorize the Commissioner to veto actions of the Council with which he disagrees. The Council, in turn, could override such a veto by a three-fourths vote of its members. This provides due recognition for the responsibilities of the chief executive, while at the same time preserving the right of the Council to act on matters of overriding importance.

Second, the terms of Council members would be set at three years instead of two. The reduction in turnover and increase in experience would add strength to the Council.

Third, the salaries of the Chairman, Vice Chairman and Council members would be increased to reflect their important responsibilities.

Finally, the plan recognizes that the machinery of the District's government, no matter how modern, cannot realize its highest purpose unless it is infused with the most experienced, informed and able leadership.

The 800,000 citizens of the District of Columbia deserve nothing less than such leadership, not only as a matter of fundamental right but because the District occupies a special and central role in the affairs of the Nation.

The best talent available must be found for the key posts of Commissioner and Assistant to the Commissioner. The Commissioner is the chief executive of the District of Columbia. The Assistant to the Commissioner will be his chief aide, his deputy, and will perform such duties as the Commissioner may prescribe.

In the search for leadership necessary in these crucial posts, the President and the Congress must balance the need to draw from the best talent in the Nation with the need for local experience and local involvement that are such valuable assets to enlightened municipal government. The plan therefore provides for the Presidential appointment of both these men, subject to Senate confirmation, with the requirement that at least one of them be a resident of the District for three years prior to appointment.

We would be indifferent to the cause of good government if the search and selection of the Commissioner and his Assistant were confined only to those who reside within the geographic boundaries of the District. This plan does not take that course. It provides a wide range of choice — opening the field not only to those who reside in the District, but to those who live in other parts of the Nation. At the same time, the plan assures that local experience will be well represented in the highest councils of the District Government.

Not only must either of the top executives positions be filled with a District resident, but each member of the nine-man Council must have been a resident of the District for at least three years prior to appointment.

Moreover, in selecting the Commissioner, I will look first to the residents of the District and I hope that he can be found here.

Of all the benefits of the plan, one stands out in particular — the strong leadership it provides as the cornerstone of support for any effective attack against crime. With that leadership and with the continued commitment and

devotion of its police, the District can move with a greater sense of sureness and purpose against the spectre of crime that haunts the streets and shops of the Nation's Capital.

Of all the duties of the new single Commissioner none will be more important than his leadership in a renewed community effort to stem the rising tide of crime in the District.

The reorganization plan has been prepared in accordance with chapter 9 of title 5 of the United States Code. At my direction, it has been discussed with each member of the interested Committees of Congress or with their Staff Assistants. I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

I have also found that it is necessary to include in the plan, by reason of the reorganization made, provisions for the appointment and compensation of the new officers specified in sections 201, 203 and 301-303 of the plan. The rates of compensation fixed for these officers are comparable to those fixed for officers in the executive branch of the Government having similar responsibilities.

The functions which would be abolished by the provisions of section 503(c) of the reorganization plan are provided for in subsection (e) of Section 6 of the Act of March 3, 1925, 43 Stat. 1121, as amended (D.C. Code, sec. 40-603(e)).

The plan would not impair the corporate status of the District of Columbia government. Nor would it in any way detract from the powers which the Congress exercises with respect to the District.

This reorganization plan would provide improved management of the municipal responsibilities vested by Congress in the government of the District of Columbia. It would bring savings to the District taxpayers and the Federal Government, although overall costs will not be less because of the increasing scale and complexity of municipal government. The precise amount of such savings cannot be itemized at this time.

The proposed reorganization is in no way a substitute for home rule. As I stated in my Message on the Nation's Capital, the plan "will give the District a better organized and more efficient government ... but only home rule will provide the District with a democratic government — of, by and for its citizens."

I remain convinced more strongly than ever that Home Rule is still the truest course. We must continue to work toward that day — when the citizens of the District will have the right to frame their own laws, manage their own affairs, and choose their own leaders. Only then can we redeem that historic pledge to give the District of Columbia full membership in the American Union.

I recommend that the Congress allow the reorganization plan to become effective.

## **REORGANIZATION PLAN NO. 2 OF 1968**

**(33 F.R. 6965, F.R. Doc. 68-5562; Filed, May 8, 1968;  
8:49 a.m.; 82 Stat. 1369)**

Prepared by the President and transmitted to the Senate and the House of



Representatives in Congress assembled, February 26, 19618, pursuant to the provisions of chapter 9 of title 5 of the United States Code. The plan became effective at the close of June 30, 1968.

# URBAN MASS TRANSPORTATION

SECTION 1. *Transfer of Functions.* — (a) There are hereby transferred to the Secretary of Transportation:

(1) The functions of the Secretary of Housing and Urban Development and the Department of Housing and Urban Development under the Urban Mass Transportation Act of 1964 (78 Stat. 302; 49 U.S.C. 1601-1611), except that there is reserved to the Secretary of Housing and Urban Development (i) the authority to make grants for or undertake such projects or activities under sections 6(a), 9, and 11 of that Act (49 U.S.C. 1605(a); 1607a; 1607c) as primarily concern the relationship of urban transportation systems to the comprehensively planned development of urban areas, or the role of transportation planning in overall urban planning, and (ii) so much of the functions under sections 3, 4, and 5 of the Act (49 U.S.C. 1602-1604) as will enable the Secretary of Housing and Urban Development (A) to advise and assist the Secretary of Transportation in making findings and determinations under clause (1) of section 3(c), the first sentence of section 4(a), and clause (1) of section 5 of the Act, and (B) to establish jointly with the Secretary of Transportation the criteria referred to in the first sentence of section 4(a) of the Act.

(2) Other functions of the Secretary of Housing and Urban Development, and functions of the Department of Housing and Urban Development or of any agency or officer thereof, all to the extent that they are incidental to or necessary for the performance of the functions transferred by section 1(a)(1) of this reorganization plan, including, to such extent, the functions of the Secretary of Housing and Urban Development and the Department of Housing and Urban Development under (i) title 11 of the Housing Amendments of 1955 (69 Stat. 642; 42 U.S.C. 1491-1497), insofar as functions thereunder involve assistance specifically authorized for mass transportation facilities or equipment, and (ii) title IV of the Housing and Urban Development Act of 1965 (79 Stat. 485; 42 U.S.C. 3071-3074).

(3) The functions of the Department of Housing and Urban Development under section 3(b) of the Act of November 6, 1966 (P.L. 89-774; 80 Stat. 1352; 40 U.S.C. 672(b)).

(b) Any reference in this reorganization plan to any provision of law shall be deemed to include, as may be appropriate, reference thereto as amended.

SEC. 2. *Delegation.* — The Secretary of Transportation may delegate any of the functions transferred to him by this reorganization plan to such officers and employees of the Department of Transportation as he designates, and may authorize successive redelegations of such functions.

SEC. 3. *Urban Mass Transportation Administration.* — (a) There is hereby established within the Department of Transportation an Urban Mass Transportation Administration.



(b) The Urban Mass Transportation Administration shall be headed by an Urban Mass Transportation Administrator, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be compensated at the rate now or hereafter provided for Level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). The Administrator shall perform such duties as the Secretary of Transportation shall prescribe and shall report directly to the Secretary.

SEC. 4. *Interim Administrator.* — The President may authorize any person who immediately prior to the effective date of this reorganization plan holds a position in the executive branch of the government to act as Urban Mass Transportation Administrator until the office of Administrator is for the first time filled pursuant to the provisions of section 3(b) of this reorganization plan or by recess appointment, as the case may be. The person so designated shall be entitled to the compensation attached to the position he regularly holds.

SEC. 5. *Incidental Transfers.* — (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available, or to be made available in connection with the functions transferred to the Secretary of Transportation by this reorganization plan as the Director of the Bureau of the Budget shall determine shall be transferred from the Department of Housing and Urban Development to the Department of Transportation at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided for in subsection (a) of this section shall be carried out in such manner as he shall direct and by such agencies as he shall designate.

SEC. 6. *Effective Date.* — The provisions of this reorganization plan shall take effect at the close of June 30, 1968, or at the time determined under the provisions of section 906(a) of title 5 of the United States Code, whichever is later.

## MESSAGE OF THE PRESIDENT

*To the Congress of the United States:*

As long as he has lived in cities, man has struggled with the problem of urban transportation. But:

Never before have these problems affected so many of our citizens.

Never before has transportation been so important to the development of our urban centers.

Never before have residents of urban areas faced a clearer choice concerning urban transportation — shall it dominate and restrict enjoyment of all the values of urban living, or shall it be shaped to bring convenience and efficiency to our citizens in urban areas.

How America and its cities solve the transportation problem depends largely on our two newest Federal Departments — the Department of Transportation and the Department of Housing and Urban Development:

The Department of Housing and Urban Development is responsible for the character of all urban development.

The Department of Transportation is concerned specifically with all the modes of transportation and their efficient interrelationship.

At present, responsibility for program assistance for urban highways and urban airports, and urban mass transportation is divided between the Department of Transportation and the Department of Housing and Urban Development. As a result:

Federal coordination of transportation systems assistance is more difficult than it need be.

Communities which have measured their own needs and developed comprehensive transportation proposals must deal with at least two federal agencies to carry out their programs.

To combine efficiently the facilities and services necessary for our urban centers and to improve transportation within our cities, State and local government agencies should be able to look to a single federal agency for program assistance and support. The large future cost of transportation facilities and services to the Federal Government, to State and local governments, and to the transportation industry makes side investments and efficient transportation systems essential.

An urban transportation system must:

combine a basic system of efficient, responsive mass transit with all other forms and systems of urban, regional, and inter-city transportation; conform to and support balanced urban development.

In this, my second reorganization plan of 1968, I ask the Congress to transfer urban mass transportation programs to the Secretary of Transportation and to establish an Urban Mass Transportation Administration within the Department of Transportation to strengthen the organizational capacity of the Federal Government to achieve these objectives.

The plan transfers to and unifies in a new Urban Mass Transportation Administration in the Department of Transportation those functions which involve urban mass transportation project assistance and related research and development activities. Because urban research and planning and transportation research and planning are closely related, however, the plan provides that the Department of Housing and Urban Development perform an important role in connection with transportation research and planning insofar as they have significant impact on urban development.

We expect the Department of Transportation to provide leadership in transportation policy and assistance. The Department of Housing and Urban Development will provide leadership in comprehensive planning at the local level that includes transportation planning and relates it to broader urban development objectives.

The transfer of urban mass transportation programs will not diminish the overall responsibilities of the Department of Housing and Urban Development with respect to our cities. Rather, adequate authority is reserved to that Department to enable it to join with the Department of Transportation to assure that urban transportation develops as an integral component of the broader development of growing urban areas.

The new Urban Mass Transportation Administration in the Department of Transportation, working with other elements of the Department, will consolidate and focus our efforts to develop and employ the most modern transportation technology in the solution of the transportation problems of our cities.

The reorganization plan provides for an Administrator at the head of the Administration who would be appointed by the President, by and with the advice and consent of the Senate. The Administrator would report directly to the Secretary of Transportation and take his place in the Department with the heads of the Federal Aviation Administration, Federal Highway Administration, Federal Railroad Administration and the Coast Guard.

I have found, after investigation, that each reorganization included in the reorganization plan transmitted herewith is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

I have also found that it is necessary to include in the accompanying plan, by reason of these reorganizations, provisions for the appointment and compensation of the new officer specified in section 3(b) of the plan. The rate of compensation fixed for this officer is comparable to those fixed for officers in the Executive Branch of the Government having similar responsibilities.

The reorganizations included in this plan will provide more effective management of transportation programs. It is not feasible to itemize the reduction in expenditures which the plan will achieve, but I have no doubt that this reorganization will preserve and strengthen overall comprehensive planning for developing urban areas while simultaneously insuring more efficient transportation systems for our cities than would otherwise have occurred.

I strongly urge that the Congress allow the reorganization plan to become effective.

## REORGANIZATION PLAN NO. 3 OF 1968

(33 F.R. 7747, F.R. Doc 68-6385; Filed, May 27, 1968; 9:25 a.m.; 82 Stat. 1370)

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1968, pursuant to the provisions of chapter 9 of title 5 of the United States Code. The plan became effective at the close of June 30, 1968.

### DISTRICT OF COLUMBIA RECREATION FUNCTIONS

SECTION 1. *Definitions.* (a) As used in this reorganization plan, the term "the Recreation Board" means the District of Columbia Recreation Board provided for in D.C. Code, sec. 8-201 and in other law.

(b) References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan.



SEC. 2. *Transfer of functions to Commissioner.* There are hereby transferred to the Commissioner of the District of Columbia all functions of the Recreation Board or of its chairman and members and all functions of the Superintendent of Recreation (appointed pursuant to D.C. Code, sec. 8-209).

SEC. 3. *Delegations.* The functions transferred by the provisions of section 2 hereof shall be subject to the provisions of section 305 of Reorganization Plan No. 3 of 1967 (32 F.R. 11671).

SEC. 4. *Incidental transfers.* (a) All personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with the functions of the Recreation Board or the Superintendent of Recreation are hereby transferred to the Commissioner of the District of Columbia.

(b) Such further measures and dispositions as the Director of the Bureau of the Budget shall deem to be necessary in order to effectuate the transfers provided in subsection (a) of this section shall be carried out in such manner as he may direct and by such agencies as he shall designate.

SEC. 5. *Abolition.* The Recreation Board, together with the position of Superintendent of Recreation, is hereby abolished. The Commissioner of the District of Columbia shall make such provisions as he may deem necessary with respect to winding up the outstanding affairs of the Recreation Board and the Superintendent of Recreation.

SEC. 6. *Effective date.* The provisions of this reorganization plan shall take effect at the close of June 30, 1968 or on the date determined under section 906(a) of title 5 of the United States Code, whichever is later.

## MESSAGE OF THE PRESIDENT

*To the Congress of the United States:*

In the past few years Congress and the President have pledged to make the Nation's Capital a model of excellence for America: in government, in housing, in city planning, in law enforcement, in transportation.

But the quality of any city is not just a matter of efficiency and public order. If it is to be truly great, the city must be lively and inviting — a place of beauty and pleasure.

The city's life is lived not only in its buildings, but in its pools, playgrounds and recreation centers, in the places where the young gather to find excitement and delight, where the old come to find relaxation, fresh air, companionship.

In Washington, recreation is a vital element of the city's school enrichment activities, its model city project and its summer programs.

But the D.C. Recreation Department is not an integral part of the District Government. With its six-member independent board, the autonomy of the Department prevents the D.C. Commissioner from providing policy supervision to the city's recreation activities and from relating them to other community service programs — in health, education, child care, and conservation.

There is no reason to distinguish between recreation and other community service programs now vested in the Commissioner.

Accordingly, I am today submitting to the Congress Reorganization Plan No. 3 of 1968. This plan brings recreation programs under the authority of the D.C. Commissioner. It enables the new City Government to make recreation an integral part of its strategy to bring more and better community services to the people who live in the city.

The Plan achieves these objectives by abolishing the present Recreation Board and the Office of the Superintendent of Recreation. It transfers their functions to the D.C. Commissioner.

The accompanying reorganization plan has been prepared in accordance with chapter 9 of title 5 of the United States Code. I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

Closer coordination of recreation with other municipal improvement programs of the District Government and the improved efficiency of recreation management will produce a higher return on the taxpayer's investment on recreation programs, though the amount of savings cannot be estimated at this time.

I urge the Congress to permit this reorganization plan to take effect.

## REORGANIZATION PLAN NO. 4 OF 1968

(33 F.R. 7749, F.R. Doc. 68-6386; Filed, May 27, 1968; 9:25 a.m.; 82 Stat. 1371)

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1968, pursuant to the provisions of chapter 9 of title 5 of the United States Code. The plan became effective May 23, 1968.

### DISTRICT OF COLUMBIA REDEVELOPMENT LAND AGENCY

SECTION 1. *Appointments.* (a) The functions of the President of the United States with respect to appointing certain members of the Board of Directors of the District of Columbia Redevelopment Land Agency (D.C. Code, sec. 5-703) are hereby transferred to the Commissioner of the District of Columbia.

(b) Nothing in this reorganization plan shall be deemed to terminate the tenure of any member of the Board of Directors of the District of Columbia Redevelopment Land Agency now in office.

SEC. 2. *Relationship of Board of Directors and Commissioner.* (a) There are transferred from the Board of Directors of the District of Columbia Redevelopment Land Agency to the Commissioner of the District of Columbia the functions of adopting, prescribing, amending and repealing bylaws, rules, and regulations for the exercise of the powers of the Board under D.C. Code, secs.

5-701 to 5-719 or governing the manner in which its business may be conducted (D.C. Code, sec. 5-703(b)).

(b) Any part of the functions transferred by this section may be delegated by the Commissioner to the Board.

SEC. 3. *References to District of Columbia Code.* References in this reorganization plan to any provision of the District of Columbia Code are references to the provisions of statutory law codified under that provision and include the said provision as amended, modified, or supplemented prior to the effective date of this reorganization plan.

## MESSAGE OF THE PRESIDENT

*To the Congress of the United States:*

Urban Renewal is a vital weapon in the Nation's attack on urban blight and physical decay. In the firm hands of a local executive determined to improve the face of his city, it is a powerful tool of reform.

In the District of Columbia, urban renewal is managed by a Federal Agency, the D.C. Redevelopment Land Agency, headed by an independent five-man Board of Directors. Although the District Government pays the entire local share of the costs of urban renewal and although the Commissioner of the District of Columbia appoints three of the five members of the RLA Board, the Agency need not follow the Commissioner's leadership or administrative direction.

To strengthen the D.C. Commissioner's authority to initiate and guide the administration of urban renewal, I am today transmitting to the Congress Reorganization Plan No. 4 of 1968. This plan:

gives the D.C. Commissioner the authority to appoint all five members of the RLA Board, by transferring to him the appointment function now vested in the President;

transfers to him the authority to prescribe the rules and regulations governing the conduct of business by RLA. This function is now vested in the Board of Directors.

Urban Renewal involves slum clearance, demolition, the relocation of families, the provision of new housing, the stimulation of rehabilitation and new employment. Throughout the Nation, it is clear that authority and leadership by the local chief executive is essential to weld together the full range of municipal functions and community service programs to change conditions in city slums.

In our Capital City the hopes for a balanced New Town and new housing development on the Fort Lincoln site in Northeast Washington, the rebuilding of the Shaw neighborhood, and a successful Model Cities program hinge on the leadership of the D.C. Commissioner. Members of the Congress have repeatedly stressed the need to establish the Commissioner's effective control of all functions essential to local redevelopment. The attached plan takes a major step toward that objective.

The plan does not alter the corporate status of the Redevelopment Land Agency or any of the authorities now vested by law in the Agency.



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

The accompanying reorganization plan has been prepared in accordance with chapter 9 of title 5 of the United States Code. I have found, after investigation, that each reorganization included in the plan is necessary to accomplish one or more of the purposes set forth in section 901(a) of title 5 of the United States Code.

There are no direct savings deriving from this plan. However, it will improve the management of programs aimed at reviving the deteriorated social, economic, and physical structure of this city, our National Capital. The benefits and savings from a more successful attack on these problems cannot be estimated in advance, but their reality cannot be denied.

To achieve our goal of a model Capital, I therefore urge the Congress to permit this reorganization plan to take effect.



DISTRICT OF COLUMBIA SELF-GOVERNMENT  
AND GOVERNMENTAL REORGANIZATION ACT

AN ACT

To Reorganize the Governmental Structure of the District of Columbia, to Provide a Charter for Local Government in the District of Columbia Subject to Acceptance by a Majority of the Registered Qualified Electors in the District of Columbia, to Delegate Certain Legislative Powers to the Local Government, to Implement Certain Recommendations of the Commission on the Organization of the Government of the District of Columbia, and for Other Purposes

(Approved, Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198.)

[The references to sections of the D.C. Code appearing throughout this Act are to the edition of the Code in existence at the time the Act was approved. Translations to corresponding sections in the 2001 Edition appear in brackets.]

*Be it enacted by the Senate and House of Representatives of the  
United States of America in Congress assembled,*

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## TITLE I — SHORT TITLE, PURPOSES, AND DEFINITIONS

### SHORT TITLE

SEC. 101. This Act may be cited as the “District of Columbia Home Rule Act”.

(Amended, Aug. 5, 1997, 111 Stat. 786, Pub. L. 105-33, § 11717(a).)

### STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; authorize the election of certain local officials by the registered qualified electors in the District of Columbia; grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for

greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

## DEFINITIONS

SEC. 103. For the purposes of this Act —

(1) The term “District” means the District of Columbia.

(2) The term “Council” means the Council of the District of Columbia provided for by part A of title IV.

(3) The term “Commissioner” means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term “District of Columbia Council” means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term “Chairman” means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term “Mayor” means the Mayor provided for by part B of title IV.

(7) The term “act” includes any legislation passed by the Council, except where the term “Act” is used to refer to this Act or other Acts of Congress herein specified.

(8) The term “capital project” means any physical public betterment or improvement, the acquisition of property of a permanent nature, or the purchase of equipment or furnishings, and includes (A) costs of any preliminary plans, studies, and surveys in connection with such betterment, improvement, acquisition, or purchase, (B) costs incidental to such betterment, improvement, acquisition, or purchase, and the financing thereof, including the cost of any election, professional fees, printing or engraving, production and reproduction of documents, publication of notices, taking of title, bond insurance, and interest during construction, and (C) the reimbursement of any fund or account for amounts expended for the payment of any such costs.

(9) The term “pending”, when applied to any capital project, means authorized but not yet completed.

(10) The term “District revenues” means all funds derived from taxes, fees, charges, miscellaneous receipts, grants and other forms of financial assistance, or the sale of bonds, notes, or other obligations, and any funds administered by the District government under cost sharing arrangements.

(11) The term “election”, unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms “publish” and “publication”, unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term “District of Columbia courts” means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term “resources” means revenues, balances, enterprise or other revolving funds, and funds realized from borrowing.

(15) The term “budget” means the entire request for appropriations or loan or spending authority for all activities of all departments or agencies of



the District of Columbia financed from all existing, proposed or anticipated resources, and shall include both operating and capital expenditures.

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 1; Apr. 17, 1995, 109 Stat. 141, Pub. L. 104-8, § 301(a)(1); Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, § 11601(b)(1)(A).)

## TITLE II — GOVERNMENTAL REORGANIZATION

### REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5-701 — 5-719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5-703(a)) is amended to read as follows:

“(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the ‘Commissioner’), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the ‘Council’). The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as designated by the Commissioner. The terms of the members first appointed under this section shall begin on or after January 2, 1975. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the agency.”

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5-703(b)) is amended —

(1) by inserting after “forth” at the end of the first sentence of such section “, except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency, including those actions specified in subsection (c), as is deemed necessary and appropriate”, and

(2) by striking out in the second sentence “including the selection of its chairman and other officers,” and inserting in lieu thereof “including the selection of officers other than its chairman,”.

(c) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

“(c) The Council is authorized, by act, to adopt legislation —

“(1) establishing, for the purpose of assuring uniform procedures relating to the disposition of complaints and other claims involving the Redevelopment Land Agency (or its successor) and other administrative units of the District of Columbia government, a factfinding board to receive, hear, and act on such complaints and claims arising out of or in connection with administrative and other actions of such Agency or units in carrying out their powers and functions;

“(2) providing that all planning, designing, construction, and supervision of public facilities which are to be contributed to any redevelopment area as the local non-cash grant-in-aid to the project under title I of the Housing Act of 1949, shall, to the extent practicable, be carried out by an appropriate District of Columbia department or agency on the basis of a contractual or other arrangement with the Redevelopment Land Agency or its successor;

“(3) providing that any occupied rental property owned by the Agency shall be maintained by such Agency (or its successor) in a safe and sanitary condition; or

“(4) providing that the Commissioner shall have authority to waive all or any part of any special assessments levied against abutting property owners for the cost of sewers, streets, curbs, gutters, sidewalks, utilities, and other supporting facilities or project improvements where the costs therefor to the District of Columbia can be applied as a non-cash local grant-in-aid, as defined by the Secretary of the Department of Housing and Urban Development.”.

(d) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5-704(b)) is amended to read as follows “Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.”.

(e) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

(f) For the purposes of subsection 713(d), employees in the District of Columbia Redevelopment Land Agency shall be deemed to be transferred to the District of Columbia as of the effective date of this title without a break in service.

## NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the “Authority”) established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5-103 — 5-116 [6-101.02 et seq.]) shall be an agency of the District of Columbia government subject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances



(available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

## NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (D.C. Code, sec. 1-1002 [2-1002]), are amended to read as follows:

"(a) (1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof, except with respect to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

"(2) The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the 'District') in the National Capital. The Commissioner shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Commissioner shall establish procedures for citizen participation in the planning process, and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

"(4) (A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the



Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

“(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission’s findings and recommendations, the Council may —

“(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

“(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission’s findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

“(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

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“(D) The Commission and the Commissioner shall jointly publish from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Commissioner and the Council in accordance with the provisions of this section.

“(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

“(F) The Commission and the Commissioner shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

“(b) The National Capital Planning Commission shall be composed of —

“(1) *ex officio*, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

“(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. The citizen members appointed by the Commissioner shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of \$100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.”.

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1-1002(e)), is amended by (1) inserting “Federal activities in the” immediately before “National Capital” in clause (1); and (2) striking out “and District Governments,” and inserting in lieu thereof “government” in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, Sec. 1-1004), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended to read as follows: “The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission’s recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined



a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change.”.

(2) The third sentence of subsection (a) of such section is amended by striking out “within the District of Columbia” and “or District”.

(3) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1-1005), is amended as follows:

(1) Subsection (c) of such section is amended to read as follows:

(1) “(c) The provisions of section 16 of the Act approved June 20, 1938 (D.C. Code, Sec. 5-428), are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respecting any such building within thirty days after the day it was submitted to the Commission.”.

(2) The first and second sentences of subsection (e) of such section are amended to read as follows: “It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of lands. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.”.

(e) Section 6 of such Act (D.C. Code, sec. 1-1006) is repealed.

(f) Section 7 of such Act (D.C. Code, Sec. 1-1007) is amended to read as follows:

“SEC. 7. (a) The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

“(b) The Commissioner shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Self-Government and Governmental Reorganization Act. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan.”

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1-1008(a)), is amended to read as follows: “The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5-417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital.”

## DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this



section referred to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49-49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States (with respect to a public employment service in the States) generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36-121 — 36-133 [36-1401 et seq.]), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code, Sec. 36-123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner, effective the day after the day on which the District establishes an independent personnel system or systems.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

(h) The first section of the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (relating to the welfare of apprentices), is amended by inserting at the end thereof "For the purposes of this Act the term 'State' shall include the District of Columbia."

(Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(1).)

## TITLE III — DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

### DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District voting thereon in the charter referendum held with respect thereto.

### LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

### CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except sections 401 (a) and 421 (a), and part C of such title, may be amended by an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in the referendum held for such ratification. The Chairman of the Council shall submit all such acts to the Speaker of the House of Representatives and the President of the Senate on the day the Board of Elections and Ethics certifies that such act was ratified by a majority of the registered qualified electors voting thereon in such referendum.

(b) An amendment to the charter ratified by the registered electors shall take effect upon the expiration of the 35-calendar-day period (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) following the date such amendment was submitted to the Congress, or upon the date prescribed by such amendment, whichever is later, unless during such 35-day period, there has been enacted into law a joint resolution, in accordance with the procedures specified in section 604 of this Act, disapproving such amendment. In any case in which any such joint resolution disapproving such an amendment has, within such 35-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 35-day period, shall be deemed to have repealed such amendment, as of the date such resolution becomes law.

(c) The Board of Elections and Ethics shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the

holding of elections for ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(b).)

## TITLE IV — THE DISTRICT CHARTER

### Subpart IV—Part A — The Council

#### CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia; and the members of the Council shall be elected by the registered qualified electors of the District.

(b)(1) The Council established under subsection (a) shall consist of thirteen members elected on a partisan basis. The Chairman and four members shall be elected at large in the District, and eight members shall be elected one each from the eight election wards established, from time to time, under the District of Columbia Election Act. The term of office of the members of the Council shall be four years, except as provided in paragraph (3), and shall begin at noon on January 2 of the year following their election.

(2) In the case of the first election held for the office of member of the Council after the effective date of this title, not more than two of the at-large members (excluding the Chairman) shall be nominated by the same political party. Thereafter, a political party may nominate a number of candidates for the office of at-large member of the Council equal to one less than the total number of at-large members (excluding the Chairman) to be elected in such election.

(3) To fill a vacancy in the Office of Chairman, the Board of Elections and Ethics shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Chairman to fill a vacancy in the Office of Chairman shall take office on the day in which the Board of Elections and Ethics certifies his election, and shall serve as Chairman only for the remainder of the term during which such vacancy occurred. When the Office of Chairman becomes vacant, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as Chairman pro tempore until the election of a new Chairman.



(4) Of the members first elected after the effective date of this title, the Chairman and two members elected at-large and four of the members elected from election wards shall serve for four-year terms; and two of the at-large members and four of the members elected from election wards shall serve for two-year terms. The members to serve the four-year terms and the members to serve the two-year terms shall be determined by the Board of Elections and Ethics by lot, except that not more than one of the at-large members nominated by any political party shall serve for any such four-year term.

(c) The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(d)(1) In the event of a vacancy in the Council of a member elected from a ward, the Board of Elections and Ethics shall hold a special election in such ward to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council shall take office on the day on which the Board of Elections and Ethics certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred.

(2) In the event of a vacancy in the office of Mayor, and if the Chairman becomes a candidate for the office of Mayor to fill such vacancy, the office of Chairman shall be deemed vacant as of the date of the filing of his candidacy. In the event of a vacancy in the Council of a member elected at large, other than a vacancy in the office of Chairman, who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the Board of Elections and Ethics can hold a special election to fill such vacancy, and such special election shall be held on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise be held under the provision of this subsection. The person appointed to fill such vacancy shall take office on the date of his appointment and shall serve as a member of the Council until the day on which the Board certifies the election of the member elected to fill such vacancy in either a special election or a general election. The person elected as a member to fill such a vacancy on the Council shall take office on the day on which the Board of Elections and Ethics certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred. With respect to a vacancy on the Council of a member elected at large who is not affiliated with any political party, the Council shall appoint a similarly nonaffiliated person to fill such vacancy until such vacancy can be filled in a special election in the manner prescribed in this paragraph. Such person appointed by the Council

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shall take office and serve as a member at the same time and for the same term as a member appointed by a central committee of a political party.

(3) Notwithstanding any other provision of this section, at no time shall there be more than three members (including the Chairman) serving at large on the Council who are affiliated with the same political party.

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(2).)

## QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section, and, in the case of the Chairman, section 403(c).

## COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of members of the Council beginning after the date of enactment of such change.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman shall receive, in addition to the compensation to which he is entitled as a member of the Council, \$10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman shall not



engage in any employment (whether as an employee or as a self-employed individual) or hold any position (other than his position as Chairman), for which he is compensated in an amount in excess of his actual expenses in connection therewith.

## POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law subject to the provisions of section 602(c). If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law subject to the provisions of section 602(c) unless the Council by a recess of 10 days or more prevents its return, in which case it shall not become law. If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall become law subject to the provisions of section 602(c).

(f) In the case of any budget act adopted by the Council pursuant to section 446 of this act and submitted to the Mayor in accordance with subsection (e) of this section, the Mayor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Mayor so disapproves of any item or provision, he shall append to the act when he signs it a statement of the item or provision which he disapproves, and shall, within such 10-day period, return a copy of the act and statement with his



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objections to the Council. If, within 30 calendar days after any such item or provision so disapproved has been timely returned by the Mayor to the Council, two-thirds of the members of the Council present and voting vote to reenact any such item or provision, such item or provision so reenacted shall be transmitted by the Chairman to the President of the United States. In any case in which the Mayor fails to timely return any such item or provision so disapproved to the Council, the Mayor shall be deemed to have approved such item or provision not returned, and such item or provision not returned shall be transmitted by the Chairman to the President of the United States. In the case of any budget act for a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), this subsection shall apply as if the reference in the second sentence to “ten-day period” were a reference to “five-day period” and the reference in the third sentence to “thirty calendar days” were a reference to “5 calendar days.”

(Amended, Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Apr. 17, 1995, 109 Stat. 116, Pub. L. 104-8, § 202(f)(2).)

### Subpart —Organization and Procedure of the Council

#### THE CHAIRMAN

SEC. 411. (a) The Chairman shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman shall act in his stead. While the Chairman is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

#### ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. Except as provided in the last sentence of this subsection, the Council shall use acts for all legislative purposes. Each proposed act (other than an act to which section 446 applies) shall be read twice in substantially the same form, with at least thirteen days intervening between each reading. Upon final adoption by the Council each act shall be made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used (1) to express simple determinations, decisions, or directions of the Council of a special or temporary character; and (2) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor, the Board of Elections, Public Service Commission, Armory Board,

Board of Education, the Board of Trustees of the University of the District of Columbia, or the Convention Center Board of Directors to the Council pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

(Amended, Oct. 27, 1978, 92 Stat. 2023, Pub. L. 95-526; Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(c).)

## INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the Council is conducting the inquiry) or any member of the committee may issue subpoenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpoena issued, or to testify, in a case pending before such Court.

## PART B—THE MAYOR

### ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia; and the Mayor shall be elected by the registered qualified electors of the District.

(b) The Mayor established by subsection (a) shall be elected, on a partisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(c)(1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for Mayor is to be held, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is

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compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Mayor, the Board of Elections and Ethics shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor shall take office on the day on which the Board of Elections and Ethics certifies his election, and shall serve as Mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman shall become Acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections and Ethics certifies the election of the new Mayor at which time he shall again become Chairman. While the Chairman is Acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman is Acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(d) The Mayor shall receive compensation payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of Mayor next beginning after the date of such change. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a).)

## POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in



the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system, pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711 of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District Government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system shall be established by

act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act, except that nothing in this Act shall prohibit the District from separating an officer or employee subject to such system in the implementation of a financial plan and budget for the District government approved under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction. Nothing in the previous sentence may be construed to permit the Mayor to delegate any functions assigned to the Chief Financial Officer of the District of Columbia under section 424, without regard to whether such functions are assigned to the Chief Financial Officer under such section during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995) or during any other year.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.



(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

(Amended, Aug. 17, 1991, 105 Stat. 540, Pub. L. 102-106, § 3; Apr. 17, 1995, 109 Stat. 116, 147, Pub. L. 104-8, §§ 202(h), 302(b).)

## MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of the District's elements of the comprehensive plan for the National Capital which may include land use elements, urban renewal and redevelopment elements, a multi-year program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or addition thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by an aspect of a proposed District element of the comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the District's elements and amendments thereto, to the Council for revision or modification; and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such elements and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such elements or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such elements and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

## CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA

(a) *Establishment of Office. — In general. —*

SEC. 424. (a) There is hereby established within the executive branch of the



government of the District of Columbia an Office of the Chief Financial Officer of the District of Columbia (hereafter referred to as the "Office"), which shall be headed by the Chief Financial Officer of the District of Columbia (hereafter referred to as the "Chief Financial Officer").

(2) *Office of the Treasurer.* — The Office shall include the Office of the Treasurer, which shall be headed by the Treasurer of the District of Columbia, who shall be appointed by the Chief Financial Officer and subject to the Chief Financial Officer's direction and control.

(3) *Transfer of other offices.* — Effective with the appointment of the first Chief Financial Officer under subsection (b), the functions and personnel of the following offices are transferred to the Office:

- (A) The Controller of the District of Columbia.
- (B) The Office of the Budget.
- (C) The Office of Financial Information Services.
- (D) The Department of Finance and Revenue.

(4) *Service of heads of other offices.* —

(A) *Office heads appointed by Mayor.* — With respect to the head of the Office of the Budget and the head of the Department of Finance and Revenue —

(i) the Mayor shall appoint such individuals with the advice and consent of the Council, subject to the approval of the Authority during a control year; and

(ii) during a control year, the Authority may remove such individuals from office for cause, after consultation with the Mayor.

(B) *Office heads appointed by Chief Financial Officer.* — With respect to the Controller of the District of Columbia and the head of the Office of Financial Information Services —

(i) the Chief Financial Officer shall appoint such individuals subject to the approval of the Mayor; and

(ii) the Chief Financial Officer may remove such individuals from office for cause, after consultation with the Mayor.

(b) *Appointment.* —

(1) *In general.* —

(A) *Control year.* — During a control year, the Chief Financial Officer shall be appointed by the Mayor as follows:

(i) prior to the appointment of the Chief Financial Officer, the Authority may submit recommendations for the appointment to the Mayor.

(ii) in consultation with the Authority and the Council, the Mayor shall nominate an individual for appointment and notify the Council of the nomination.

(iii) after the expiration of the 7-day period which begins on the date the Mayor notifies the Council of the nomination under clause (ii), the Mayor shall notify the Authority of the nomination.

(iv) the nomination shall be effective subject to approval by a majority vote of the Authority.

(B) *Other years.* — During a year other than a control year, the Chief Financial Officer shall be appointed by the Mayor with the advice and consent

of the Council. Prior to appointment, the Authority may submit recommendations for the appointment.

(2) *Removal.* —

(A) *Control year.* — During a control year, the Chief Financial Officer may be removed for cause by the Authority or by the Mayor with the approval of the Authority.

(B) *Other years.* — During a year other than a control year, the Chief Financial Officer shall serve at the pleasure of the Mayor, except that the Chief Financial Officer may only be removed for cause.

(3) *Salary.* — The Chief Financial Officer shall be paid at an annual rate determined by the Mayor, except that such rate may not exceed the rate of basic pay payable for level IV of the Executive Schedule.

(c) *Functions during control year.* — During a control year, the Chief Financial Officer shall have the following duties:

(1) Preparing the financial plan and budget for the use of the Mayor for purposes of subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) Preparing the budgets of the District of Columbia for the year for the use of the Mayor for purposes of part D.

(3) Assuring that all financial information presented by the Mayor is presented in a manner, and is otherwise consistent with, the requirements of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(4) Implementing appropriate procedures and instituting such programs, systems, and personnel policies within the Officer's authority, to ensure that budget, accounting and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis.

(5) With the approval of the Authority, preparing and submitting to the Mayor and the Council —

(A) annual estimates of all revenues of the District of Columbia (without regard to the source of such revenues), including proposed revenues, which shall be binding on the Mayor and the Council for purposes of preparing and submitting the budget of the District government for the year under part D, except that the Mayor and the Council may prepare the budget based on estimates of revenues which are lower than those prepared by the Chief Financial Officer; and

(B) quarterly re-estimates of the revenues of the District of Columbia during the year.

(6) Supervising and assuming responsibility for financial transactions to ensure adequate control of revenues and resources, and to ensure that appropriations are not exceeded.

(7) Maintaining systems of accounting and internal control designed to provide —

(A) full disclosure of the financial impact of the activities of the District government;

(B) adequate financial information needed by the District government for management purposes;

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(C) effective control over, and accountability for, all funds, property, and other assets of the District of Columbia; and

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget.

(8) Submitting to the Council a financial statement of the District government, containing such details and at such times as the Council may specify.

(9) Supervising and assuming responsibility for the assessment of all property subject to assessment and special assessments within the corporate limits of the District of Columbia for taxation, preparing tax maps, and providing such notice of taxes and special assessments (as may be required by law).

(10) Supervising and assuming responsibility for the levying and collection of all taxes, special assessments, licensing fees, and other revenues of the District of Columbia (as may be required by law), and receiving all amounts paid to the District of Columbia from any source (including the Authority).

(11) Maintaining custody of all public funds belonging to or under the control of the District government (or any department or agency of the District government), and depositing all amounts paid in such depositories and under such terms and conditions as may be designated by the Council or the Authority.

(12) Maintaining custody of all investment and invested funds of the District government or in possession of the District government in a fiduciary capacity, and maintaining the safekeeping of all bonds and notes of the District government and the receipt and delivery of District government bonds and notes for transfer, registration, or exchange.

(13) Apportioning the total of all appropriations and funds made available during the year for obligation so as to prevent obligation or expenditure in a manner which would result in a deficiency or a need for supplemental appropriations during the year, and (with respect to appropriations and funds available for an indefinite period and all authorizations to create obligations by contract in advance of appropriations) apportioning the total of such appropriations, funds, or authorizations in the most effective and economical manner.

(14) Certifying all contracts (whether directly or through delegation) prior to execution as to the availability of funds to meet the obligations expected to be incurred by the District government under such contracts during the year.

(15) Prescribing the forms of receipts, vouchers, bills, and claims to be used by all agencies, offices, and instrumentalities of the District government.

(16) Certifying and approving prior to payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government, and determining the regularity, legality, and correctness of such bills, invoices, payrolls, claims, demands, or charges.

(17) In coordination with the Inspector General of the District of Columbia, performing internal audits of accounts and operations and records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the departments and agencies of the District government.



(d) *Functions during all years.* — At all times, the Chief Financial Officer shall have the following duties:

(1) Exercising responsibility for the administration and supervision of the District of Columbia Treasurer (except that the Chief Financial Officer may delegate any portion of such responsibility as the Chief Financial Officer considers appropriate and consistent with efficiency).

(2) Administering all borrowing programs of the District government for the issuance of long-term and short-term indebtedness.

(3) Administering the cash management program of the District government, including the investment of surplus funds in governmental and non-governmental interest-bearing securities and accounts.

(4) Administering the centralized District government payroll and retirement systems.

(5) Governing the accounting policies and systems applicable to the District government.

(6) Preparing appropriate annual, quarterly, and monthly financial reports of the accounting and financial operations of the District government.

(7) Not later than 120 days after the end of each fiscal year (beginning with fiscal year 1995), preparing the complete financial statement and report on the activities of the District government for such fiscal year, for the use of the Mayor under section 448(a)(4) of the District of Columbia Self-Government and Governmental Reorganization Act.

(e) *Functions of Treasurer.* — At all times, the Treasurer shall have the following duties:

(1) Assisting the Chief Financial Officer in reporting revenues received by the District government, including submitting annual and quarterly reports concerning the cash position of the District government not later than 60 days after the last day of the quarter (or year) involved. Such reports shall include:

(A) Comparative reports of revenue and other receipts by source, including tax, nontax, and Federal revenues, grants and reimbursements, capital program loans, and advances. Each source shall be broken down into specific components.

(B) Statements of the cash flow of the District government for the preceding quarter or year, including receipts, disbursements, net changes in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment. Such statements shall reflect the actual, planned, better or worse dollar amounts and the percentage change with respect to the current quarter, year-to-date, and fiscal year.

(C) Quarterly cash flow forecast for the quarter or year involved, reflecting receipts, disbursements, net change in cash inclusive of the beginning balance, cash and investment, and the ending balance, inclusive of cash and investment with respect to the actual dollar amounts for the quarter or year, and projected dollar amounts for each of the 3 succeeding quarters.

(D) Monthly reports reflecting a detailed summary analysis of all District of Columbia government investments, including, but not limited to —

(i) the total of long-term and short-term investments;

(ii) a detailed summary analysis of investments by type and amount, including purchases, sales (maturities), and interest;

(iii) an analysis of investment portfolio mix by type and amount, including liquidity, quality/risk of each security, and similar information;

(iv) an analysis of investment strategy, including near-term strategic plans and projects of investment activity, as well as forecasts of future investment strategies based on anticipated market conditions, and similar information;

(v) an analysis of cash utilization, including —

(I) comparisons of budgeted percentages of total cash to be invested with actual percentages of cash invested and the dollar amounts;

(II) comparisons of the next return on invested cash expressed in percentages (yield) with comparable market indicators and established District of Columbia government yield objectives; and

(III) comparisons of estimated dollar return against actual dollar yield.

(E) Monthly reports reflecting a detailed summary analysis of long-term and short-term borrowings inclusive of debt as authorized by section 603, in the current fiscal year and the amount of debt for each succeeding fiscal year not to exceed 5 years. All such reports shall reflect —

(i) the amount of debt outstanding by type of instrument;

(ii) the amount of authorized and unissued debt, including availability of short-term lines of credit, United States Treasury borrowings, and similar information;

(iii) a maturity schedule of the debt;

(iv) the rate of interest payable upon the debt; and

(v) the amount of debt service requirements and related debt service reserves.

(2) Such other functions assigned to the Chief Financial Officer under subsection (c) or subsection (d) as the Chief Financial Officer may delegate.

(f) *Definitions.* — In this section —

(1) the term “Authority” means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995;

(2) the term “control year” has the meaning given such term under section 305(4) of such Act; and

(3) the term “District government” has the meaning given such term under section 305(5) of such Act.

(Added, Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 302(a).)

## PART C—THE JUDICIARY

### JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law



or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nomination Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until a successor is designated, except that the term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. An individual shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 [July 29, 1970] shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy-four or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e) (3) (A) shall serve for five years; of the members first selected in accordance with subsection (e) (3) (B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e) (3) (C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e) (3) (D) shall serve for six years; and the member first appointed in accordance with subsection (e) (3) (E) shall serve for six years. In making the respective first appointments according to subsections (e) (3) (B) and (e) (3) (C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.



(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless such person —

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 102 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to paragraph (3) (E)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of such person's predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432 and

to make recommendations regarding the appointment of senior judges of the District of Columbia courts as provided in section 11-1504 of the District of Columbia Code.

(Amended, Oct. 13, 1977, 91 Stat. 1155, Pub. L. 95-131, § 3(a); Oct. 30, 1984, 98 Stat. 3142, Pub. L. 98-598, § 2(b); Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, § 4; June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(1)-(3); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, § 133(a).)

## REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT OF JUDGES

SEC. 432. (a) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of —

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary —

(A) upon—

(i) proof of conviction of a crime referred to in subsection (a) (1) which has not become final, or

(ii) the filing of an order of removal under subsection (a) (2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover any salary and all other rights and privileges of office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as the judge may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

(3) A judge of a District of Columbia court shall be suspended from all or part of the judge's judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that such suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

(Amended, June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(4)-(5).)

## NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) Except as provided in section 434(d)(1), the President shall nominate, from the list of persons recommended by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless the person —

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding the nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to the nomination, and shall retain such residency while serving as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to the nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.



(c) Not less than six months prior to the expiration of the judge's term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of the term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than sixty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during the present term of office and the candidate's fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, the President shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

(Amended, Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, §§ 12, 13; June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(6)-(8); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, § 133(b); Sept. 9, 1996, 110 Stat. 2369, Pub. L. 104-194, § 131(b).)

## DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of seven members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (b)(4)(A) shall serve for five years; of the members first selected in accordance with subsection (b)(4)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (b)(4)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (b)(4)(D) shall serve for six years; and the member first appointed in accordance with subsection (b)(4) (E) shall serve for six years. In making the respective first appointments according to subsections (b)(4)(B) and (b)(4)(C), the Mayor and the Board of Governors of

the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b)(1) No person may be appointed to the Commission unless the person —

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least 90 days immediately prior to appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 102 of Title 5 of the United States Code); and (except with respect to the person appointed or designated according to paragraph (4)(E)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of such person's predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts. Members of the Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman or a majority of the Commission held after notice has been given of such meeting to all Commission members. Meetings of the Commission may be closed to the public. Section 742 of this Act shall not apply to meetings of the Commission.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.



(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information, records, and other materials furnished to or developed by the Commission in the performance of its duties under this section shall be privileged and confidential. Section 552 of title 5, United States Code (known as the Freedom of Information Act), shall not apply to any such materials.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall, within sixty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such judge's term of office, the Commission's list of nominees shall be submitted to the President not less than sixty days prior to the occurrence of such vacancy. In the event the President fails to nominate, for Senate confirmation, one of the persons on the list submitted to the President under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the Senate, appoint one of those persons to fill the vacancy for which such list was originally submitted to the President.

(2) In the event any person recommended by the Commission to the President requests that the recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

(4) Upon submission to the President, the name of any individual recommended under this subsection shall be made public by the Judicial Nomination Commission.

(Amended, Oct. 13, 1977, 91 Stat. 1155, Pub. L. 95-131, § 3(b); Oct. 28, 1986, 100 Stat. 3228, Pub. L. 99-573, §§ 8-10, 15; June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(9)-(10); Amended, June 13, 1994, 108 Stat. 713, Pub. L. 103-266, § 2(b)(9)-(10); Sept. 9, 1996, 110 Stat. 2369, Pub. L. 104-194, § 131(a).)

## Subpart —Part D — District Budget and Financial Management

### FISCAL YEAR

SEC. 441. The fiscal year of the District shall, beginning on October 1, 1976, commence on the first day of October of each year and shall end on the thirtieth



day of September of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year. However, the fiscal year for the Armory Board shall begin on the first day of January and shall end on the thirty-first day of December of each calendar year.

(Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(3); Nov. 15, 1977, 91 Stat. 1383, Pub. L. 95-185, § 1.)

## SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) At such time as the Council may direct, the Mayor shall prepare and submit to the Council each year, and make available to the public, an annual budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures resulting from financial transactions undertaken on either an obligation or cash-outlay basis, for such fiscal year shall not exceed estimated resources from existing sources and proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvements plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the

District of Columbia Board of Elections and Ethics, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, the Commission on Judicial Disabilities and Tenure, and the District of Columbia Water and Sewer Authority.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

(d) The Mayor shall prepare and submit to the Council a proposed supplemental or deficiency budget recommendation under subsection (c) if the Council by resolution requests the Mayor to submit such a recommendation.

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(c); Aug. 6, 1996, 110 Stat. 1698, Pub. L. 104-184, § 4(c).)

## MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the immediately preceding three fiscal years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

- (1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;
- (2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;
- (3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;
- (4) the effects of current and proposed capital projects on future operating budget requirements;
- (5) revenues and funds likely to be available from existing revenue sources at current rates or levels;
- (6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments must be made for all bonds which have been or will be issued, and all loans from the United States Treasury which have been or will be received, to finance the total cost on a full funding basis of all projects listed in the capital improvements plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds and loans from the United States Treasury, received or proposed, separately identified) to the bonding limitation for the current and forthcoming fiscal year as specified in section 603(b).

### MULTIYEAR CAPITAL IMPROVEMENTS PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

### DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Director of the Office of Management and Budget, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the Comptroller General of the United States.

(Amended Aug. 5, 1997, 111 Stat. 753, Pub. L. 105-33, § 11243(a).)

### WATER AND SEWER AUTHORITY BUDGET

SEC. 445a. (a) *In general.*— The District of Columbia Water and Sewer



Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 shall prepare and annually submit to the Mayor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the operation of the Authority for the year. All such estimates shall be forwarded by the Mayor to the Council for its action pursuant to §§ 47-304 and 47-313 [1-204.46 and 1-206.03] (c), without revision but subject to his recommendations. Notwithstanding any other provision of this Act, the Council may comment or make recommendations concerning such annual estimates, but shall have no authority under this Act to revise such estimates.

(b) *Permitting expenditure of excess revenues for capital projects in excess of budget.* — Notwithstanding the amount appropriated for the District of Columbia Water and Sewer Authority for capital projects for a fiscal year, if the revenues of the Authority for the year exceed the estimated revenues of the Authority provided in the annual budget of the District of Columbia for the fiscal year, the Authority may obligate or expend an additional amount for capital projects during the year equal to the amount of such excess revenues.

(Added Aug. 6, 1996, 110 Stat. 1698, Pub. L. 104-184, § 4(a); amended Aug. 5, 1997, 111 Stat. 784, Pub. L. 105-33, § 11714(a).)

## ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, within fifty calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by act by the Council after public hearing. Such budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress. Except as provided in section 445A(b), section 467(d), section 471(c), section 472(d)(2), section 475(e)(2), section 483(d), and section 490(f), (g), and (h)(3), no amount may be obligated or expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act. Notwithstanding any other provision of this Act, the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States until the completion of the budget procedures contained in this Act. After the adoption of the annual budget for a fiscal year (beginning with the annual budget for fiscal year 1995), no reprogramming of amounts in the budget may occur unless the Mayor submits to the Council a request for such reprogramming and the Council approves the request, but only if any additional expenditures provided under such request for an activity are offset by reductions in expenditures for another activity.

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 2; Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(b)(1); Aug. 6, 1996, 110 Stat. 1697, Pub. L. 104-184, § 2(c)(2); Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, §§ 11509, 11714(b).)

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL  
SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by Act of Congress. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the Act of Congress authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable Acts of Congress and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. (a) Subject to the limitations in section 603, the Mayor shall have charge of the administration of the financial affairs of the District and to that end he shall —

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide —

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, by February 1 of each fiscal year, a complete financial statement and report for the preceding fiscal year;

(5) supervise and be responsible for the assessment of all property subject to assessment and special assessments within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all moneys receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District, except that this paragraph shall not apply to moneys from the District of Columbia Courts;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds

coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration or exchange; and

(9) apportion the total of all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period, and all authorizations to create obligations by contract in advance of appropriations, apportion the total of such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

(b) Notwithstanding subsection (a), the Mayor may make any payments required by subsection (b) or subsection (c) of section 483 and take any actions authorized by an act of the Council under section 467(b) or under subsection or subsection (e), of section 490.

(Amended, Oct. 13, 1977, 91 Stat. 1155, Pub. L. 95-131, § 2; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 3; Aug. 5, 1997, 111 Stat. 753, Pub. L. 105-33, § 11243(b).)

## ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall —

(a) prescribe the forms or receipts, vouchers, bills and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

## GENERAL AND SPECIAL FUNDS

SEC. 450. The General Fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the General Fund of the



District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this title. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All money received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund, except that all money received by the District of Columbia Courts shall be deposited in the Treasury of the United States or the Crime Victims Fund.

(Amended, Aug. 5, 1997, 111 Stat. 753, Pub. L. 105-33, § 11243(c).)

## SPECIAL RULES REGARDING CERTAIN CONTRACTS

SEC. 451. (a) *Contracts extending beyond one year.*— No contract involving expenditures out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

(b) *Contracts exceeding certain amount.* —

(1) *In general.* — No contract involving expenditures in excess of \$1,000,000 during a 12-month period may be made unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council).

(2) *Deemed approval.* — For purposes of paragraph (1), the Council shall be deemed to approve a contract if —

(A) during the 10-day period beginning on the date the Mayor submits the contract to the Council, no member of the Council introduces a resolution approving or disapproving the contract; or

(B) during the 45-calendar day period beginning on the date the Mayor submits the contract to the Council, the Council does not disapprove the contract.

(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

(A) appropriations originally available for the performance of the contract concerned;

(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

(C) funds appropriated for those payments.

(3) No contract entered into under this subsection shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the

Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.

(d) *Exemption for certain contracts.* — The requirements of this section shall not apply with respect to any of the following contracts:

(1) Any contract entered into by the Washington Convention Center Authority for preconstruction activities, project management, design, or construction.

(2) Any contract entered into by the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996, other than contracts for the sale or lease of the Blue Plains Wastewater Treatment Plant.

(3) At the option of the Council, any contract for a highway improvement project carried out under Title 23, United States Code.

(Amended, Apr. 17, 1995, 109 Stat. 151, Pub. L. 104-8, § 304(a); Apr. 26, 1996, 110 Stat. 1321 [210], Pub. L. 104-134, § 134; Sept. 9, 1996, 110 Stat. 2376, 104-194, § 144; Aug. 5, 1997, 111 Stat. 781, Pub. L. 105-33, § 11704.)

## ANNUAL BUDGET FOR THE BOARD OF EDUCATION

SEC. 452. With respect to the annual budget for the Board of Education in the District of Columbia, the Mayor and the Council may establish the maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education. This section shall not apply with respect to the annual budget for any fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995).

(Amended, Apr. 17, 1995, 109 Stat. 116, Pub. L. 104-8, § 202(g)(2).)

## REDUCTIONS IN BUDGETS OF INDEPENDENT AGENCIES

SEC. 453. (a) In accordance with subsection (b) and except as provided in subsection (c), the Mayor may reduce amounts appropriated or otherwise made available to independent agencies of the District of Columbia (including the Board of Education) for a fiscal year if the Mayor determines that it is necessary to reduce such amounts to balance the District's budget for the fiscal year.

(b)(1) The Mayor may not make any reduction pursuant to subsection (a) unless the Mayor submits a proposal to make such a reduction to the Council and the Council approves the proposal.

(2) A proposal submitted by the Mayor under paragraph (1) shall be deemed to be approved by the Council —

(A) if no member of the Council files a written objection to the proposal with the Secretary of the Council before the expiration of the 10-day period that begins on the date the Mayor submits the proposal; or

(B) if a member of the Council files such a written objection during the period described in subparagraph (A), if the Council does not disapprove the proposal prior to the expiration of the 45-day period that begins on the date the member files the written objection.

(3) The periods described in subparagraphs (A) and (B) of paragraph (2) shall not include any days which are days of recess for the Council (according to the Council's rules).

(c) Subsection (a) shall not apply to amounts appropriated or otherwise made available to the Council or to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(Amended, Aug. 17, 1991, 105 Stat. 539, Pub. L. 102-106, § 2; Apr. 17, 1995, 109 Stat. 106, Pub. L. 104-8, § 106(a)(4); Aug. 5, 1997, 111 Stat. 754, Pub. L. 105-33, § 11243(d); Nov. 19, 1997, 111 Stat. 2187, Pub. L. 105-100, § 11243(e).)

#### Subpart —Audits and Accountability Requirements

### DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.



(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his reports.

(g) This section shall not apply to the District of Columbia Courts or the accounts and operations thereof.

(Amended, Aug. 5, 1997, 111 Stat. 754, Pub. L. 105-33, § 11244(a).)

## PERFORMANCE AND FINANCIAL ACCOUNTABILITY

### SEC. 456. (a) *Performance Accountability Plan.*—

(1) *Submission of annual plan.* — Not later than March 1 of each year (beginning with 1998), the District of Columbia Financial Responsibility and Management Assistance Authority shall develop and submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a performance accountability plan for all departments, agencies, and programs of the government of the District of Columbia for the subsequent fiscal year.

(2) *Contents of plan.* — The performance accountability plan for a fiscal year shall contain the following:

(A) A statement of measurable, objective performance goals established for all significant activities of the government of the District of Columbia during the fiscal year (including activities funded in whole or in part by the District but performed in whole or in part by some other public or private entity) that describe an acceptable level of performance by the government and a superior level of performance by the government.

(B) A description of the measures of performance to be used in determining whether the government has met the goals established under subparagraph (A) with respect to an activity for a fiscal year. Such measures shall analyze the quantity and quality of the activities involved, and shall include measures of program outcomes and results.

(C) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

(3) *Description of activities subject to court order.* — In addition to the material included in the performance accountability plan for a fiscal year under paragraph (2), the plan shall include a description of the activities of the government of the District of Columbia that are subject to a court order during the fiscal year and the requirements placed on such activities by the court order.

### (b) *Performance accountability report.* —

(1) *Submission of report.* — Not later than March 1 of each year (beginning with 1999), the Authority shall develop and submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appro-

priations of the House of Representatives and the Senate, and the Comptroller General a performance accountability report on activities of the government of the District of Columbia during the fiscal year ending on the previous September 30.

(2) *Contents of report.* — The performance accountability report for a fiscal year shall contain the following:

(A) For each goal of the performance accountability plan submitted under subsection (a) for the year, a statement of the actual level of performance achieved compared to the stated goal for an acceptable level of performance and the goal for a superior level of performance.

(B) The title of the District of Columbia management employee most directly responsible for the achievement of each goal and the title of such employee's immediate supervisor or superior.

(C) A statement of the status of any court orders applicable to the government of the District of Columbia during the year and the steps taken by the government to comply with such orders.

(3) *Evaluation of report.* — The Comptroller General, in consultation with the Director of the Office of Management and Budget, shall review and evaluate each performance accountability report submitted under this subsection and not later than April 15 of each year shall submit comments on such report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(c) *Financial accountability plan and report.* —

(1) *Development and submission.* — Not later than March 1 of each year (beginning with 1997), the Chief Financial Officer shall develop and submit to Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, and the Comptroller General a 5-year financial plan for the government of the District of Columbia that contains a description of the steps the government will take to eliminate any differences between expenditures from, and revenues attributable to, each fund of the District of Columbia during the first 5 fiscal years beginning after the submission of the plan.

(2) *Report on compliance.* —

(A) *Submission of report.* — Not later than March 1 of every year (beginning with 1999), the Chief Financial Officer shall submit a report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committees on Appropriations of the House of Representatives and the Senate, the Comptroller General, and the Director of the Congressional Budget Office on the extent to which the government of the District of Columbia was in compliance during the preceding fiscal year with the applicable requirements of the financial accountability plan submitted for such fiscal year under this subsection.

(B) *Evaluation of report.* — The Comptroller General, in consultation with the Director of the Congressional Budget Office, shall review and evaluate

the financial accountability compliance report submitted under subparagraph (A) and not later than April 15 of each year shall submit comments on such report to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate.

(d) *Quarterly financial reports.* —

(1) *Submission of quarterly financial reports.* — Not later than fifteen days after the end of every calendar quarter (beginning with a report for the quarter beginning October 1, 1997), the Chief Financial Officer shall submit to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Subcommittees on the District of Columbia of the Committees on Appropriations of the House of Representatives and the Senate, a report on the financial and budgetary status of the government of the District of Columbia for the previous quarter.

(2) *Contents of report.* — Each quarterly financial report submitted under paragraph (1) shall include the following information:

(A) A comparison of actual to forecasted cash receipts and disbursements for each month of the quarter, as presented in the District's fiscal year consolidated cash forecast which shall be supported and accompanied by cash forecasts for the general fund and each of the District government's other funds other than the capital projects fund and trust and agency funds.

(B) A projection of the remaining months cash forecast for that fiscal year.

(C) Explanations of (i) the differences between actual and forecasted cash amounts for each of the months in the quarter, and (ii) any changes in the remaining months forecast as compared to the original forecast for such months of that fiscal year.

(D) The effect of such changes, actual and projected, on the total cash balance of the remaining months and for the fiscal year.

(E) Explanations of the impact on meeting the budget, how the results may be reflected in a supplemental budget request, or how other policy decisions may be necessary which may require the agencies to reduce expenditures in other areas.

(F) An aging of the outstanding receivables and payables, with an explanation of how they are reflected in the forecast of cash receipts and disbursements.

(G) For each department or agency, the actual number of full-time equivalent positions, the actual number of full-time employees, the actual number of part-time employees, and the actual number of temporary employees, together with the source of funding for each such category of positions and employees.

(Added Oct. 19, 1994, 108 Stat. 3488, Pub. L. 103-373, § 3(a)(2); Nov. 19, 1997, 111 Stat. 2174, Pub. L. 105-100, § 130.)



Subpart —Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL  
OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603(b), the District may incur indebtedness by issuing general obligation bonds to refund indebtedness of the District at any time outstanding, to finance the outstanding accumulated operating deficit of the general fund of the District of \$331,589,000, existing as of September 30, 1990, to finance or refund the outstanding accumulated operating deficit of the general fund of the District of \$500,000,000, existing as of September 30, 1997, and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Mayor, subject to the provisions of section 462 of this Act, may from time to time determine to be necessary to make such bonds marketable.

(2) The District may not issue any general obligation bonds to finance the operating deficit existing as of September 30, 1990, described in paragraph (1) after September 30, 1992.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Mayor prior to the issuance of such obligations.

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 4; Aug. 17, 1991, 105 Stat. 540, Pub. L. 102-106, § 4; Aug. 5, 1997, 111 Stat. 768, Pub. L. 105-33, § 11405.)

CONTENTS OF BORROWING LEGISLATION AND ELECTIONS ON  
ISSUING GENERAL OBLIGATION BONDS

SEC. 462. (a) The Council may by act authorize the issuance of general obligation bonds for the purposes specified in section 461. Such an act shall contain, at least, provisions —

- (1) briefly describing each project to be financed by the act;
- (2) identifying the Act authorizing each such project or category of projects;
- (3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for the projects to be financed;
- (4) setting forth the maximum rate of interest to be paid on such indebtedness;
- (5) setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and
- (6) setting forth, in the event that the Council determines in its discretion to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the date of such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(b) Any election held on the question of issuing general obligation bonds must be held before the act authorizing the issuance of such bonds is transmitted to the Speaker of the House of Representatives and the President of the Ssenate pursuant to section 602(c).

(c) Notwithstanding section 602(c)(1), the provisions required by paragraph (6) of subsection (a) to be included in any act authorizing the issuance of general obligation bonds shall take effect on the date of the enactment of such act.

(Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(4); Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 5; Aug. 5, 1997, 111 Stat. 769, Pub. L. 105-33, § 11503.)

## PUBLICATION OF BORROWING LEGISLATION

SEC. 463. (a) After each act of the Council of the District under section 462 (a) authorizing the issuance of general obligation bonds has taken effect, the Mayor shall publish such act at least once in at least one newspaper of general circulation within the District together with a notice that such act has taken effect. Each such notice shall be in substantially the following form:

### “NOTICE

“The following act of the Council of the District of Columbia (published with this notice) authorizing the issuance of general obligation bonds has taken effect. As provided in the District of Columbia Self-Government and Governmental Reorganization Act, the time within which a suit, action, or proceeding questioning the validity of such bonds may be commenced expires at the end of the twenty-day period beginning on the date of the first publication of this notice. \_\_\_\_\_ “Mayor.”

(b) Neither the failure to publish the notice provided for in subsection (a) nor any error in any publication of such notice shall impair the effectiveness of the act of the Council authorizing the issuance of such bonds or the validity of any bond issued pursuant to such act.

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 6.)

## SHORT PERIOD OF LIMITATION

SEC. 464. (a) At the end of the twenty-day period beginning on the date of the first publication pursuant to section 463(a) of the notice that an act authorizing the issuance of general obligation bonds has taken effect —

(1) any recital or statement of fact contained in such act or in the preamble or title of such act shall be deemed to be true for the purpose of determining the validity of the bonds authorized by such act, and the District and all others interested shall be estopped from denying any such recital or statement of fact; and

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(2) such act, and all proceedings in connection with the authorization of the issuance of such bonds including any election held on the question of issuing such bonds, shall be deemed to have been duly and regularly taken, passed, and done by the District, in compliance with this Act and all other applicable laws, for the purpose of determining the validity of such act and proceedings; and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of such act or proceedings except in a suit, action, or proceeding commenced before the end of such twenty-day period.

(b) At the end of the twenty-day period beginning on the date of the first publication pursuant to section 463(a) of the notice that an act authorizing the issuance of general obligation bonds has taken effect, no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of any general obligation bond issued pursuant to such act if —

(1) such general obligation bond was purchased in good faith and for fair value; and

(2) such general obligation bond contains substantially the following statement which shall bind the District of Columbia: “It is hereby certified and recited that all conditions, acts, and things required by the District of Columbia Self-Government and Governmental Reorganization Act and other applicable laws to exist, to have happened, and to have been performed precedent to and in the issuance of this bond exist, have happened, and have been performed and that the issue of bonds, of which this is one, together with all other indebtedness of the District of Columbia, is within every debt and other limit prescribed by law.”

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 7.)

## ISSUE OF GENERAL OBLIGATION BONDS

SEC. 465. (a) After an act of the Council authorizing the issuance of general obligation bonds under section 461(a) takes effect, the Mayor may issue such general obligation bonds as authorized by such act of the Council. An issue of general obligation bonds may be all or any part of the aggregate principal amount of bonds authorized by such act.

(b) The principal amount of the general obligation bonds of each issue shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years after such date.

(c) The general obligation bonds of each issue shall be executed by the manual or facsimile signature of such officials as may be designated to sign such bonds by the act of the Council authorizing the issuance of the bonds, except that at least one such signature shall be manual. Coupons attached to the bonds shall be authenticated by the facsimile signature of the Mayor unless the Council provides otherwise.

(Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(5); Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 8.)



PUBLIC OR PRIVATE SALE

SEC. 466. General obligation bonds issued under this part may be sold at a private sale on a negotiated basis (in such manner as the Mayor may determine to be in the public interest), or may be sold at public sale upon sealed proposals after publication of a notice of such public sale at least once not less than 10 days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in 1 or more newspapers of general circulation published in the District. Such notice of public sale shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a down payment a certified check, cashier's check, or surety for an amount equal to at least 2 percent of the par amount of general obligation bonds bid for, and the Mayor shall reserve the right to reject any and all bids.

(Amended, Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(6); Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 9; Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(a); Dec. 19, 1985, 99 Stat. 1185, Pub. L. 99-190, § 101(c); Oct. 30, 1986, 100 Stat. 3341-180, Pub. L. 99-591, § 101(d); Dec. 22, 1987, 101 Stat. 1329, Pub. L. 100-202, § 1(c); Aug. 5, 1997, 111 Stat. 769, Pub. L. 105-33, § 11504.)

AUTHORITY TO CREATE SECURITY INTERESTS IN DISTRICT REVENUES

SEC. 467. (a) *In general.*—An act of the Council authorizing the issuance of general obligation bonds or notes under section 461(a), section 471(a), section 472(a), or section 475(a) may create a security interest in any District revenues as additional security for the payment of the bonds or notes authorized by such act.

(b) *Contents of acts.*—Any such act creating a security interest in District revenues may contain provisions (which may be part of the contract with the holders of such bonds or notes) —

(1) describing the particular District revenues which are subject to such security interest;

(2) creating a reasonably required debt service reserve fund or any other special fund;

(3) authorizing the Mayor of the District to execute a trust indenture securing the bonds or notes;

(4) vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient, or desirable;

(5) authorizing the Mayor of the District to enter into and amend agreements concerning —

(A) the custody, collection, use, disposition, security, investment, and payment of the proceeds of the bonds or notes and the District revenues which are subject to such security interest; and

(B) the doing of any act (or the refraining from doing any act) that the District would have the right to do in the absence of such an agreement;

(6) prescribing the remedies of the holders of the bonds or notes in the event of a default; and

(7) authorizing the Mayor to take any other actions in connection with the issuance, sale, delivery, security, and payment of the bonds or notes.

(c) *Timing and perfection of security interests.* — Notwithstanding Article 9 of Title 28 of the District of Columbia Code, any security interest in District revenues created under subsection (a) shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not such individual or legal entity has notice of such lien.

(d) *Obligations and expenditures not subject to appropriation.* — The fourth sentence of section 446 shall not apply to any obligation or expenditure of any District revenues to secure any general obligation bond or note under subsection (a).

(Added, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 10; amended, Aug. 5, 1997, 111 Stat. 770, Pub. L. 105-33, § 11505.)

#### Subpart —Short-Term Borrowing

### BORROWING TO MEET APPROPRIATIONS

SEC. 471. (a) In the absence of unappropriated revenues available to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of general obligation notes. The total amount of all such general obligation notes originally issued during a fiscal year shall not exceed 2 per centum of the total appropriations for the District for such fiscal year.

(b) Any general obligation note issued under subsection (a), as authorized by an act of the Council, may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year occurring immediately after the fiscal year during which the act authorizing the original issuance of such note takes effect.

(c) The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of interest on, or redemption premium for any general obligation note issued under sub-section (a).

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 11.)

### BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. (a) *In general.*—In anticipation of the collection or receipt of

revenues for a fiscal year, the Council may by act authorize the issuance of general obligation notes for such fiscal year, to be known as revenue anticipation notes.

(b) *Limit on aggregate notes outstanding.* — The total amount of all revenue anticipation notes issued under subsection (a) outstanding at any time during a fiscal year shall not exceed 20 percent of the total anticipated revenue of the District for such fiscal year, as certified by the Mayor under this subsection. The Mayor shall certify, as of a date which occurs not more than 15 days before each original issuance of such revenue anticipation notes, the total anticipated revenue of the District for such fiscal year.

(c) *Permitted outstanding duration.* — Any revenue anticipation note issued under subsection (a) of this section may be renewed. Any such note, including any renewal note, shall be due and payable not later than the last day of the fiscal year during which the note was originally issued.

(d) *Effective date of authorization acts; payments not subject to appropriation.* —

(1) *Effective date.* — Notwithstanding section 602(c)(1), any act of the Council authorizing the issuance of revenue anticipation notes under subsection (a) of this section shall take effect —

(A) if such act is enacted during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), on the date of approval by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(B) if such act is enacted during any other year, on the date of enactment of such act.

(2) *Payments not subject to appropriation.* — The fourth sentence of section 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any revenue anticipation note issued under subsection (a).

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 12; Aug. 5, 1997, 111 Stat. 771, Pub. L. 105-33, § 11506.)

## NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

## SALE OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

## BOND ANTICIPATION NOTES

SEC. 475. (a) *Authorizing issuance — In general.* — In anticipation of the issuance of general obligation bonds, the Council may by act authorize the



issuance of general obligation notes to be known as bond anticipation notes in accordance with this section.

(2) *Purposes; permitting issuance of general obligation bonds to cover indebtedness.* — The proceeds of bond anticipation notes issued under this section shall be used for the purposes for which general obligation bonds may be issued under section 461, and such notes shall constitute indebtedness which may be refunded through the issuance of general obligation bonds under such notes shall constitute indebtedness which may be refunded through the issuance of general obligation bonds under such section.

(b) *Maximum annual debt service amount.* — The Act of the Council authorizing the issuance of bond anticipation notes shall set forth for the bonds anticipated by such notes an estimated maximum annual debt service amount based on an estimated schedule of annual principal payments and an estimated schedule of annual interest payments (based on an estimated maximum average annual interest rate for such bonds over a period of 30 years from the earlier of the date of issuance of the notes or the date of original issuance of prior notes in anticipation of those bonds). Such estimated maximum annual debt service amount as estimated at the time of issuance of the original bond anticipation notes shall be included in the calculation required by section 603(b) while such notes or renewal notes are outstanding.

(c) *Permitted outstanding duration.* — Any bond anticipation note, including any renewal note, shall be due and payable not later than the last day of the third fiscal year following the fiscal year during which the note was originally issued.

(d) *General authority of Council.* — If provided for in Act of the Council authorizing such an issue of bond anticipation notes, bond anticipation notes may be issued in succession, in such amounts, at such times, and bearing interest rates within the permitted maximum authorized by such Act.

(e) *Effective date of authorization acts; payments not subject to appropriation.* —

(1) *Effective date.* — Notwithstanding section 602(c)(1), any act of the Council authorizing the renewal of bond anticipation notes under subsection (c) or the issuance of general obligation bonds under section 461(a) to refund any bond anticipation notes shall take effect —

(A) if such act is enacted during a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), on the date of approval by the District of Columbia Financial Responsibility and Management Assistance Authority; or

(B) if such act is enacted during any other year, on the date of enactment of such act.

(2) *Payment not subject to appropriation.* — The fourth sentence of 446 shall not apply to any amount obligated or expended by the District for the payment of the principal of, interest on, or redemption premium for any bond anticipation note issued under this section.

(Added, Aug. 5, 1997, 111 Stat. 771, Pub. L. 105-033, § 11507(a).)

ACTS RELATING TO ESTABLISHMENT OF DISTRICT

Subpart —Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) Any act of the Council authorizing the issuance of general obligation bonds under section 461(a) shall provide for the annual levy of a special tax or charge, if the Council determines that such tax or charge is necessary. Such tax or charge shall be levied, without limitation as to rate or amount, in amounts which together with other District revenues available and applicable will be sufficient to pay the principal of and interest on such general obligation bonds as they become due and payable. Such tax or charge shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected, and when collected shall be set aside in a separate debt service fund and irrevocably dedicated to the payment of such principal and interest.

(b) The Comptroller General of the United States shall make annual audits of the amounts set aside and deposited in each debt service fund pursuant to subsection (a).

(Amended, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 13.)

FULL FAITH AND CREDIT OF THE DISTRICT

SEC. 482. The full faith and credit of the District is pledged for the payment of the principal of and interest on any general obligation bond or note issued under section 461(a), section 471(a), or section 472(a), whether or not such pledge is stated in such bond or note or in the act authorizing the issuance of such bond or note.

(Added, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 14.)

PAYMENT OF THE GENERAL OBLIGATION BONDS AND NOTES

SEC. 483. (a) The Council shall provide in each annual budget for the District of Columbia government for a fiscal year adopted by the Council pursuant to section 446 sufficient funds to pay the principal of and interest on all general obligation bonds or notes issued under section 461(a), section 471(a), or section 472(a) becoming due and payable during such fiscal year.

(b) The Mayor shall insure that the principal of and interest on all general obligation bonds and notes issued under section 461(a), section 471(a), or section 472(a) are paid when due, including by paying such principal and interest from funds not otherwise legally committed.

(c) Deleted.

(d) The fourth sentence of section 446 shall not apply to —

(1) any amount set aside in a debt service fund under section 481(a);

(2) any amount obligated or expended for the payment of the principal of, interest on, or redemption premium for any general obligation bond or note issued under section 461(a), section 471(a), or section 472(a);

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

(3) any amount obligated or expended as provided by the Council in any annual budget for the District of Columbia government pursuant to subsection (a) or as provided by any amendment or supplement to such budget; or

(4) any amount obligated or expended by the Mayor pursuant to subsection (b) or (c).

(Added, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 14; Aug. 5, 1997, 111 Stat. 777, Pub. L. 105-33, § 11601(b)(1)(B).)

### Subpart —Full Faith and Credit of the United States

#### FULL FAITH AND CREDIT OF THE UNITED STATES NOT PLEDGED

SEC. 484. The full faith and credit of the United States is not pledged for the payment of any principal of or interest on any bond, note, or other obligation issued by the District under this part. The United States is not responsible or liable for the payment of any principal of or interest on any bond, note, or other obligation issued by the District under this part.

#### Subpart —Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Metro Contributions; and Revenue Bonds

#### TAX EXEMPTION

SEC. 485. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

#### LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associ-



ations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

(Added, Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 15.)

### WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603(b).

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

### COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON  
METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OTHER OBLIGATIONS

SEC. 490. (a) Subject to paragraph (2) of this subsection, the Council may by act or by resolution authorize the issuance of taxable and tax-exempt revenue bonds, notes, or other obligations to borrow money to finance, refinance, or reimburse and to assist in the financing, refinancing, or reimbursing of or for capital projects and other undertakings by the District or by any District instrumentality, or on behalf of any qualified applicant, including capital projects or undertakings in the areas of housing; health facilities; transit and utility facilities; manufacturing; sports, convention, and entertainment facilities; recreation, tourism and hospitality facilities; facilities to house and equip operations of the District government or its instrumentalities; public infrastructure development and redevelopment; elementary, secondary and college and university facilities; educational programs which provide loans for the payment of educational expenses for or on behalf of students; facilities used to house and equip operations related to the study, development, application, or production of innovative commercial or industrial technologies and social services; water and sewer facilities (as defined in paragraph (5)); pollution control facilities; solid and hazardous waste disposal facilities; parking facilities, industrial and commercial development; authorized capital expenditures of the District; and any other property or project that will, as determined by the Council, contribute to the health, education, safety, or welfare, of, or the creation or preservation of jobs for, residents of the District, or to economic development of the District, and any facilities or property, real or personal, used in connection with or supplementing any of the foregoing; lease-purchase financing of any of the foregoing facilities or property; and any costs related to the issuance, carrying, security, liquidity or credit enhancement of or for revenue bonds, notes, or other obligations, including, capitalized interest and reserves, and the costs of bond insurance, letters of credit, and guaranteed investment, forward purchase, remarketing, auction, and swap agreements. Any such financing, refinancing, or reimbursement may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the District and shall be a negotiable instrument, whether or not such revenue bond, note, or other obligation is a security as defined in section 28:8-102(1)(a) of title 28 of the District of Columbia Code.



(3) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the act or resolution of the Council authorizing the issuance of such revenue bond, note, or other obligation. Any act or resolution of the Council, or any delegation of Council authority under subsection (a)(6) of this section, authorizing the issuance of revenue bonds, notes, or other obligations may provide for (A) the payment of such revenue bonds, notes, or other obligations from any available revenues, assets, property (including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities), and (B) the securing of such revenue bond, note, or other obligation by the mortgage of real property or the creation of a security interest in available revenues, assets, or other property (including water and sewer enterprise fund revenues, assets, or other property in the case of bonds, notes, or obligations issued with respect to water and sewer facilities).

(4)(A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the Council may enter into, or authorize the Mayor to enter into, any agreement concerning the acquisition, use, or disposition of any available revenues, assets, or property. Any such agreement may create a security interest in any available revenues, assets, or property, may provide for the custody, collection, security, investment, and payment of any available revenues (including any funds held in trust) for the payment of such revenue bond, note, or other obligation, may mortgage any property, may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such revenue bond, note, or other obligation, and may provide for the doing of any act (or the refraining from doing of any act) which the District has the right to do in the absence of such agreement. Any such agreement may be assigned for the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection.

(B) Notwithstanding article 9 of title 28 of the District of Columbia Code, any security interest created under subparagraph (A) shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the District, whether or not such individual or legal entity has notice of such lien.

(C) Any funds of the District held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1), whether or not such funds are held in trust, may be secured in the manner agreed to by the District and any depository of such funds. Any depository of such funds may give security for the deposit of such funds.

(5) In paragraph (1), the term "water and sewer facilities" means facilities for the obtaining, treatment, storage, and distribution of water, the collection,



storage, treatment, and transportation of wastewater, storm drainage, and the disposal of liquids and solids resulting from treatment.

(6)(A) The Council may by act delegate to any District instrumentality the authority of the Council under subsection (a)(1) of this section to issue taxable or tax-exempt revenue bonds, notes, or other obligations to borrow money for the purposes specified in this subsection. For purposes of this paragraph, the Council shall specify for what undertakings revenue bonds, notes, or other obligations may be issued under each delegation made pursuant to this paragraph. Any District instrumentality may exercise the authority and the powers incident thereto delegated to it by the Council as described in the first sentence of this paragraph only in accordance with this paragraph and shall be consistent with this paragraph and the terms of the delegation.

(B) Revenue bonds, notes, or other obligations issued by a District instrumentality under a delegation of authority described in subparagraph (A) of this paragraph shall be issued by resolution of that instrumentality, and any such resolution shall not be considered to be an act of the Council.

(C) Nothing in this paragraph shall be construed as restricting, impairing, or superseding the authority otherwise vested by law in any District instrumentality.

(b) No property owned by the United States may be mortgaged or made subject to any security interest to secure any revenue bond, note, or other obligation issued under subsection (a)(1) of this section.

(c) Any and all such revenue bonds, notes, or other obligations issued under subsection (a)(1) of this section shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or taxing power of the District (other than with respect to any dedicated taxes) and shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings for purposes of section 602(a)(2).

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any act of the Council authorizing the issuance of revenue bonds, notes, or other obligations under subsection (a)(1) may —

(1) briefly describe the purpose for which such bonds, notes, or other obligations are to be issued;

(2) identify the Act authorizing such purpose;

(3) prescribe the form, terms, provisions, manner, and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or other obligations;

(4) provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default;

(5) prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and

(6) authorize the Mayor to take any actions in connection with the issuance, sale, delivery, security, and payment of such bonds, notes, or other obligations, including the prescribing of any terms or conditions not contained in such act of the Council.

(f) The fourth sentence of section 446 shall not apply to —

(1) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligations issued under subsection (a)(1) of this section;

(2) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued under subsection (a)(1) of this section;

(3) any amount obligated or expended pursuant to provisions made to secure any revenue bond, note, or other obligations issued under subsection (a)(1) of this section; and

(4) any amount obligated or expended pursuant to commitments made in connection with the issuance of revenue bonds, notes, or other obligations for repair, maintenance, and capital improvements relating to undertakings financed through any revenue bond, note, or other obligation issued under subsection (a)(1) of this section.

(g)(1) The Council may delegate to any housing finance agency established by it (whether established before or after the date of the enactment of this subsection) the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of primarily low- and moderate-income housing. The Council shall define for the purposes of the preceding sentence what undertakings shall constitute undertakings in the area of primarily low- and moderate-income housing. Any such housing finance agency may exercise authority delegated to it by the Council as described in the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by a housing finance agency of the District under a delegation of authority described in paragraph (1) shall be issued by resolution of the agency, and any such resolution shall not be considered to be an act of the Council.

(3) The fourth sentence of section 446 shall not apply to —

(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued under subsection (g)(1);

(B) any amount obligated or expended for the payment of the principal of, interest on, or any premium for any revenue bond, note, or other obligation issued under subsection (g)(1); and

(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued under subsection (g)(1).

(h)(1) The Council may delegate to the District of Columbia Water and Sewer Authority established pursuant to the Water and Sewer Authority Establishment and Department of Public Works Reorganization Act of 1996 the authority of the Council under subsection (a) to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing or refinancing of undertakings in the area of utilities facilities, pollution control facilities, and water and sewer facilities (as defined in subsection (a)(5)). The Authority may exercise authority delegated to it by the Council as described in



the first sentence of this paragraph (whether such delegation is made before or after the date of the enactment of this subsection) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by the District of Columbia Water and Sewer Authority under a delegation of authority described in paragraph (1) shall be issued by resolution of the Authority, and any such resolution shall not be considered to be an act of the Council.

(3) The fourth sentence of section 446 shall not apply to—

(A) any amount (including the amount of any accrued interest or premium) obligated or expended from the proceeds of the sale of any revenue bond, note, or other obligation issued pursuant to this subsection;

(B) any amount obligated or expended for the payment of the principal of, interest, one, or any premium for any revenue bond, note, or other obligation issued pursuant to this subsection;

(C) any amount obligated or expended to secure any revenue bond, note, or other obligation issued pursuant to this subsection; or

(D) any amount obligated or expended for repair, maintenance, and capital improvements to facilities financed pursuant to this subsection.

(i) The revenue bonds, notes, or other obligations issued under subsection (a)(1) of this section are not general obligation bonds of the District government and shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in section 603(b).

(j) The issuance of revenue bonds, notes, or other obligations by the District where the ultimate obligation to repay such revenue bonds, notes, or other obligations is that of one or more non-governmental persons or entities may be authorized by resolution of the Council. The issuance of all other revenue bonds, notes, or other obligations by the District shall be authorized by act of the Council.

(k) During any control period (as defined in section 209 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), any act or resolution of the Council authorizing the issuance of revenue bonds, notes, or other obligations under subsection (a)(1) of this section shall be submitted to the District of Columbia Financial Responsibility and Management Assistance Authority for certification in accordance with section 204 of that Act. Any certification issued by the Authority during a control period shall be effective for purposes of this subsection for revenue bonds, notes, or other obligations issued pursuant to such act or resolution of the Council whether the revenue bonds, notes, or other obligations are issued during or subsequent to that control period.

(l) The following provisions of law shall not apply with respect to property acquired, held, and disposed of by the District in accordance with the terms of any lease-purchase financing authorized pursuant to subsection (a)(1) of this section:

(1) The Act entitled “An Act authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes”, approved August 5, 1939 (53 Stat. 1211; D.C. Code sec. 9-401 et seq.).

(2) Subchapter III of chapter 13 of title 16, District of Columbia Code.



(3) Any other provision of District of Columbia law that prohibits or restricts lease-purchase financing.

(m) For purposes of this section, the following definitions shall apply:

(1) The term "revenue bonds, notes, or other obligations" means special fund bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) used to borrow money to finance, assist in financing, refinance, or repay, restore or reimburse moneys used for purposes referred to in subsection (a)(1) of this section the principal of and interest, if any, on which are to be paid and secured in the manner described in this section and which are special obligations and to which the full faith and credit of the District of Columbia is not pledged.

(2) The term "District instrumentality" means any agency or instrumentality (including an independent agency or instrumentality), authority, commission, board, department, division, office, body, or officer of the District of Columbia government duly established by an act of the Council or by the laws of the United States, whether established before or after the date of enactment of the District of Columbia Bond Financing Improvements Act of 1997.

(3) The term "available revenues" means gross revenues and receipts, other than general fund tax receipts, lawfully available for the purpose and not otherwise exclusively committed to another purpose, including enterprise funds, grants, subsidies, contributions, fees, dedicated taxes and fees, investment income and proceeds of revenue bonds, notes, or other obligations issued under this section.

(4) The term "enterprise fund" means a fund or account for operations that are financed or operated in a manner similar to private business enterprises, or established so that separate determinations may more readily be made periodically of revenues earned, expenses incurred, or net income for management control, accountability, capital maintenance, public policy, or other purposes.

(5) The term "dedicated taxes and fees" means taxes and surtaxes, portions thereof, tax increments, or payments in lieu of taxes, and fees that are dedicated pursuant to law to the payment of the debt service on revenue bonds, notes, or other obligations authorized under this section, the provision and maintenance of reserves for that purpose, or the provision of working capital for or the maintenance, repair, reconstruction or improvement of the undertaking to which the revenue bonds, notes, or other obligations relate.

(6) The term "tax increments" means taxes, other than the special tax provided for in § 47-331 [1-204.81] and pledged to the payment of general obligation indebtedness of the District, allocable to the increase in taxable value of real property or the increase in sales tax receipts, each from a certain date or dates, in prescribed areas, to the extent that such increases are not otherwise exclusively committed to another purpose and as further provided for pursuant to an act of the Council.

(Amended, Dec. 28, 1977, 91 Stat. 1612, Pub. L. 95-218; Apr. 12, 1980, 94 Stat. 335, Pub. L. 96-235; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 16; Oct. 15, 1982, 96 Stat. 1614, Pub. L. 97-328; Aug. 6, 1996, 110 Stat. 1696, Pub. L.

104-184, §§ 2(a), 2(b), 2(c)(1); Aug. 5, 1997, 111 Stat. 773, Pub. L. 105-33, § 11508.)

## PART F—INDEPENDENT AGENCIES

### BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act (D.C. Code, sec. 1-1103 [2-225.03]) is amended to read as follows:

“SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the ‘Board’), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act. One member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

“(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

“(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

“(d) The Mayor shall, from time to time, designate the Chairman of the Board.”

### ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5-412 [6-621.01]) is amended to read as follows: “That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

“(1) one member shall serve for a term of two years, as determined by the Mayor;

“(2) one member shall serve for a term of three years, as determined by the Mayor; and

“(3) one member shall serve for a term of four years, as determined by the Mayor.

“(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

“(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

“(d) The Chairman of the Zoning Commission shall be selected by the members.

“(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.”

(b) The Act of June 20, 1938 (D.C. Code, sec. 5-413 [6-641.01], et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5-414 [6-641.02]) is amended by striking out “Such regulations shall be made in accordance with a comprehensive plan and” and inserting in lieu thereof “Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the National Capital, and zoning regulations shall be”.

(2) Section 5 of such Act (D.C. Code, sec. 5-417 [6-641.05]) is amended to read as follows:

“SEC. 5. (a) No zoning regulation or map, or any amendment thereto, may be adopted by the Zoning Commission until the Zoning Commission—

“(1) has held a public hearing, after notice, on such proposed regulation, map, or amendment; and

“(2) after such public hearing, submitted such proposed regulation, map, or amendment to the National Capital Planning Commission for comment and review.

If the National Capital Planning Commission fails to submit its comments regarding any such regulation, map, or amendment within thirty days after submission of such regulation, map, or amendment to it, then the Zoning Commission may proceed to act upon the proposed regulation, map, or amendment without further comment from the National Capital Planning Commission.

“(b) The notice required by clause (1) of subsection (a) shall be published at least thirty days prior to such public hearing and shall include a statement as to the time and place of the hearing and a summary of all changes in existing zoning regulations which would be made by adoption of the proposed regulation, map, or amendment. The Zoning Commission shall give such additional notice as it deems expedient and practicable. All interested persons shall be given a reasonable opportunity to be heard at such public hearing. If the hearing is adjourned from time to time, the time and place of reconvening shall be publicly announced prior to adjournment.

“(c) The Zoning Commission shall deposit with the National Capital Planning Commission all zoning regulations, maps, or amendments thereto, adopted by it.”

## PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminating charge for such facility or service is prohibited and is hereby declared unlawful.

(b) Paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43-201 [34-201]), is amended as follows:

(1) The first sentence of such paragraph is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three commissioners appointed by the Mayor, by and with the advice and consent of the Council, except that the members (other than the Commissioner of the District of Columbia) serving as commissioners of such Commission on January 1, 1975, by virtue of their appointment by the President, by and with the advice and consent of the Senate, shall continue to serve until the expiration of the terms for which they were so appointed. The member first appointed by the Mayor, by and with the advice and consent of the Council, on or after January 2, 1975, shall serve until June 30, 1978."

(2) The third sentence of such paragraph is repealed.

(3) The sixth sentence of such paragraph is amended to read as follows: "No Commissioner shall, during his term of office, hold any other public office."

(4) The seventh sentence of such paragraph is amended by deleting "The Commissioners of the District of Columbia" and inserting in lieu thereof "The Mayor".

(5) The eighth sentence of such paragraph is amended to read as follows: "No person shall be eligible to the office of Commissioner of the Public Service Commission of the District of Columbia who has not been a bona fide resident of the District of Columbia for a period of at least three years next preceding his appointment or who has voted or claimed residence elsewhere during such period."

(Amended, Jan. 3, 1975, 88 Stat. 2178, Pub. L. 93-635, § 17.)

## ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (former D.C. Code, sec. 2-1702 [3-2302.01]), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies."

## BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of

whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

## TITLE V — FEDERAL PAYMENT

### DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET. [REPEALED]

SEC. 501. Repealed.

(Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198, Aug. 5, 1997, 111 Stat. 777, 105 Pub. L. 33, § 11601(a)(1).)

### AUTHORIZATION OF APPROPRIATIONS. [REPEALED]

SEC. 502. Repealed.

(Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198; amended Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(7); Aug. 6, 1981, 95 Stat. 150, Pub. L. 97-30; Oct. 15, 1982, 96 Stat. 1626, Pub. L. 97-334; Aug. 2, 1983, 97 Stat. 367, Pub. L. 98-65; June 12, 1984, 98 Stat. 242, Pub. L. 98-316; Nov. 8, 1984, 98 Stat. 3369, Pub. L. 98-621, § 9(c)(2); Dec. 12, 1989, 103 Stat. 1901, Pub. L. 101-223, § 2(a); Aug. 17, 1991, 105 Stat. 495, Pub. L. 102-102, § 2(a), Aug. 5, 1997, 111 Stat. 777, 105 Pub. L. 33, § 11601(a)(1).)

### FEDERAL PAYMENT FORMULA. [REPEALED]

SEC. 503. Repealed.

(Sec. 503, Dec. 24, 1973, 87 Stat. 774, Pub. L. 93-198; added Aug. 17, 1991, 105 Stat. 495, Pub. L. 102-102; Amended, Oct. 19, 1994, 108 Stat. 3488, Pub. L. 103-373, § 2; Apr. 17, 1995, 109 Stat. 142, Pub. L. 104-8, § 301(e), Aug. 5, 1997, 111 Stat. 777, 105 Pub. L. 33, § 11601(a)(1).)

## TITLE VI — RESERVATION OF CONGRESSIONAL AUTHORITY

### RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to —

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms “individual” and “resident” to be understood for the purposes of this paragraph as they are defined in section 4 of title I of the District of Columbia Income and Franchise Tax Act of 1947);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5-405 [6-601.05]), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission on Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia;

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners), or with respect to any criminal offense pertaining to articles subject to regulation under chapter 32 [chapter 45] of title 22 during the forty-eight full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office; or

(10) enact any act, resolution, or rule with respect to the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.



(c)(1) Except acts of the Council which are submitted to the President in accordance with the Budget and Accounting Act, 1921, any act which the Council determines according to section 412(a), should take effect immediately because of emergency circumstances, and acts proposing amendments to title IV of this Act, and except as provided in section 462(c) and section 472(d)(1), the Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act passed by the Council and signed by the Mayor, or vetoed by the Mayor and repassed by two-thirds of the Council present and voting, each act passed by the Council and allowed to become effective by the Mayor without his signature, and each initiated act and act subject to referendum which has been ratified by a majority of the registered qualified electors voting on the initiative or referendum. Except as provided in paragraph (2), such act shall take effect upon the expiration of the 30-calendar-day period (excluding Saturdays, Sundays, and holidays, and any day on which neither House is in session because of an adjournment sine die, a recess of more than three days, or an adjournment of more than three days) beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate, or upon the date prescribed by such act, whichever is later, unless during such 30-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 30-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law, subsequent to the expiration of such 30-day period, shall be deemed to have repealed such act, as of the date such resolution becomes law. The provisions of section 604, except subsections (d), (e), and (f) of such section, shall apply with respect to any joint resolution disapproving any act pursuant to this paragraph.

(2) In the case of any such Act transmitted by the Chairman with respect to any Act codified in title 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 60-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate unless, during such 60-day period, there has been enacted into law a joint resolution disapproving such act. In any case in which any such joint resolution disapproving such an act has, within such 60-day period, passed both Houses of Congress and has been transmitted to the President, such resolution, upon becoming law subsequent to the expiration of such 60-day period shall be deemed to have repealed such act, as of the date such resolution becomes law. The provisions of section 604, relating to an expedited procedure for consideration of joint resolutions, shall apply to a joint resolution disapproving such Act as specified in this paragraph.

(3) The Council shall submit with each Act transmitted under this subsection an estimate of the costs which will be incurred by the District of Columbia as a result of the enactment of the Act in each of the first 4 fiscal years for which the Act is in effect, together with a statement of the basis for such estimate.

(Amended, Sept. 7, 1976, 90 Stat. 1220, Pub. L. 94-402; Oct. 27, 1978, 92 Stat.

2023, Pub. L. 95-526; Dec. 23, 1981, 95 Stat. 1493, Pub. L. 97-105, § 17; Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(d)-(g); Apr. 17, 1995, 109 Stat. 107, 142, Pub. L. 104-8, §§ 108(b)(2), 301(d)(1).)

## BUDGET PROCESS; LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice relating to the respective roles of the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b)(1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or Treasury capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury loans, to exceed 17 per centum of the District revenues (less any fees or revenues directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities described in section 490(a) (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes), retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year in which the bonds will be issued. Treasury capital project loans include all borrowings from the United States Treasury, except those funds advanced to the District by the Secretary of the Treasury under the provisions of title VI of the District of Columbia Revenue Act of 1939.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code title 2, chapter 17, subchapter II), obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, and obligations incurred pursuant to general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding subsection.

(3) The 17 per centum limitation specified in paragraph (1) shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 17 percent of the District revenues (less any fees or revenues directed to servicing revenue bonds, any revenues, charges, or fees dedicated for the purposes of water and sewer facilities described in section 490(a) (including fees or revenues directed to servicing or securing revenue bonds issued for such purposes), retirement contributions, revenues from retirement systems, and revenues derived from



such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year for which the bonds will be issued.

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds (less the allocable portion of principal and interest to be paid during the year on general obligation bonds of the District of Columbia issued prior to October 1, 1996, for the financing of Department of Public Works, Water and Sewer Utility Administration capital projects) and such Treasury loans.

(C) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued.

(D) If in any one fiscal year the sum arrived at by adding subparagraphs (B) and (C) exceeds the amount determined under subparagraph (A), then the proposed general obligation bond or such Treasury loan in subparagraph (C) cannot be issued.

(c) Except as provided in subsection (f), the Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The Council shall be required to adopt such tax increases to the extent its budget is approved.

(d) Except as provided in subsection (f), the Mayor shall not forward to the President for submission to Congress a budget which is not balanced according to the provision of subsection 603(c).

(e) Nothing in this Act shall be construed as affecting the applicability to the District government of the provisions of sections 1341, 1342, and 1349 to 1351 and subchapter II of Chapter 15 of Title 31, United States Code.

(f) In the case of a fiscal year which is a control year (as defined in section 305(4) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995), the Council may not approve, and the Mayor may not forward to the President, any budget which is not consistent with the financial plan and budget established for the fiscal year under subtitle A of title II of such Act.

(Amended by implication, Sept. 13, 1982, 96 Stat. 1067, Pub. L. 97-258, § 4(b); amended, Apr. 17, 1995, 109 Stat. 115, Pub. L. 104-8, § 202(f)(1); Aug. 6, 1996, 110 Stat. 1697, Pub. L. 104-184, § 3; Aug. 5, 1997, 111 Stat. 754, Pub. L. 105-33, §§ 11243(e), 11601(b)(1)(C), (D).)

## CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress —

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rule of each House, respectively, but applicable only with respect to the



procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rule (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a joint resolution, the matter after the resolving clause of which is as follows: "That the \_\_\_\_\_ approves/disapproves of the action of the District of Columbia Council described as follows: \_\_\_\_\_.", the blank spaces therein being appropriately filled, and either approval or disapproval being appropriately indicated; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of twenty calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

(Amended, Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(h).)

## TITLE VII — REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

### PART A—CHARTER REFERENDUM

#### REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the “charter referendum”) shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

#### BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

#### REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, within a blank space appropriately filled:

“The District of Columbia Self-Government and Governmental Reorganization Act, enacted \_\_\_\_\_, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District voting on this issue.

“Indicate in one of the squares provided below whether you are for or against the charter.

“☐ For the charter

“☐ Against the charter.

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

"In addition, the Act referred to above authorizes the establishment of advisory neighborhood councils if a majority of the registered qualified voters of the District voting on this issue in this referendum vote for the establishment of such councils.

"Indicate in one of the squares provided below whether you are for or against the establishment of Advisory Neighborhood Councils.

☐ For Advisory Neighborhood Councils

☐ Against Advisory Neighborhood Councils."

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second and fourth paragraphs of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

(Amended, Apr. 24, 1974, 88 Stat. 93, Pub. L. 93-272, § 1.)

## ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

## PART B—SUCCESSION IN GOVERNMENT

### ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection [section] shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.



CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 404(a) of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his function shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

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(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits, and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

### EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

### PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

### VACANCIES RESULTING FROM ABOLISHMENT OF OFFICES OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining

members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

## STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1-102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended or repealed by act or resolution as authorized in this Act, or by Act of Congress, except that, notwithstanding the provisions of section 752 of this Act, such authority to repeal shall not be construed as authorizing the Council to repeal or otherwise alter, by amendment or otherwise, any provision of subchapter III of chapter 73 of title 5, United States Code, in whole or in part.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

## CONTINUATION OF DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of



such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

## CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

## PART C—TEMPORARY PROVISIONS

### POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elections properly to perform its functions under this Act.

### REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of \$750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

### INTERIM LOAN AUTHORITY

SEC. 723. (a) The Mayor is authorized to accept loans for the District from the Treasury of the United States, and the Secretary is authorized to lend to the Mayor, such sums as the Mayor may determine are required to complete capital projects for which construction and construction services funds have been authorized or appropriated, as the case may be, by Congress prior to October 1, 1983, or the date of enactment of the appropriation Act for the fiscal year ending September 30, 1984, for the government of the District of Columbia, whichever is later. In addition, such loans may include funds to pay the District's share of the cost of the adopted regional system specified in the National Capital Transportation Act of 1969.

(b) Loans advanced pursuant to this section during any six-month period shall be at a rate of interest determined by the Secretary as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowing at a maturity approximately equal to the period of time the loan is outstanding.

(c) Subject to the limitations contained in section 603(b), there is authorized to be appropriated to make loans under this section the sum of \$155,000,000 for the fiscal year ending on September 30, 1982, the sum of \$155,000,000 for the fiscal year ending on September 30, 1983, and the sum of \$155,000,000 for the fiscal year ending on September 30, 1984.

(d) The authority contained in this section to make loans shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.

(Amended, Oct. 13, 1977, 91 Stat. 1155, Pub. L. 95-131, § 1; Dec. 28, 1979, 93 Stat. 1232, Pub. L. 96-160, § 1; Aug. 13, 1981, 95 Stat. 441, Pub. L. 97-35, § 401; Aug. 14, 1981, 95 Stat. 944, Pub. L. 97-40, § 1; June 12, 1984, 98 Stat. 241, Pub. L. 98-315.)

#### POLITICAL PARTICIPATION IN CERTAIN ELECTIONS FIRST HELD UNDER THIS ACT

SEC. 724. (a) In order to provide continuity in the government of the District of Columbia during the transition from the appointed government to the elected government provided for under this Act, no person employed by the United States or by the government of the District of Columbia shall be prohibited by reason of such employment —

(1) from being a candidate in the first primary election and general election held under this Act for the office of Mayor or Chairman or member of the Council of the District of Columbia provided for under title IV of this Act, and

(2) if such a candidate, from taking an active part in political management or political campaigns in any election referred to in paragraph (1) of this subsection.

(b) Such candidacy shall be deemed to have commenced on the day such person obtains from the Board of Elections an official nominating petition with his name stamped thereon, and shall terminate —

(1) in the case of such candidate who ceases to be eligible as a nominee for the office with respect to which such petition was obtained by reason of his inability or failure to qualify as a bona fide nominee prior to the expiration of the final date for filing such petition under the election laws of the District of Columbia, on the day following such expiration date;

(2) in the case of such candidate who is elected to any such office with respect to which such nominating petition was obtained, on the day such candidate takes office following the election held with respect thereto;

(3) in the case of such candidate who is defeated in a primary election held to nominate candidates for the office with respect to which such nominating

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

petition was obtained, on the expiration of the thirty day period following the date of such primary election; and

(4) in the case of such candidate who fails to be elected in a general election to any such office with respect to which such nominating petition was obtained, on the expiration of the thirty day period following the date of such election.

(c) The provisions of this section shall terminate as of January 2, 1975.

(Added, Apr. 17, 1974, 88 Stat. 86, Pub. L. 93-268, § 3(a).)

## PART D—MISCELLANEOUS

### AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any function so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations available to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a nonreimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protection Service in the performance of their respective protective duties under section 3056 of title 18 of the United States Code and section 302 of title 3 of the United States Code.

(Repealed and Reenacted. Sept. 13, 1982, 96 Stat. 1081, Pub. L. 97-258.)



PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections and Ethics because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a).)

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION  
IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system or systems required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

“(c) DISTRICT OF COLUMBIA. — For purposes of this title, the District of Columbia shall be treated both —

“(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

“(2) as a county area which has no units of local government (other than itself) within its geographic area.”.

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited annually

by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b)(1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within ninety days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

(Repealed and Reenacted. Sept. 13, 1982, 96 Stat. 1081, Pub. L. 97-258.)

## ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COMMISSIONS

SEC. 738. (a) The Council shall by act divide the District into neighborhood commission areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood commission area, shall establish for that neighborhood an elected advisory neighborhood commission. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood commission shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Elections and Ethics. Advisory neighborhood commission members shall be elected from single member districts within each neighborhood commission area by the registered qualified electors thereof.

(c) Each advisory neighborhood commission —

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood commission area;

(2) may employ staff and expend, for public purposes within its neighborhood commission area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood commission of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood commission area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood commissions, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood commission area, the District government shall apportion to each advisory neighborhood commission, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per \$100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood commissions.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood commission and shall establish guidelines with respect to the employment of persons by each advisory neighborhood commission which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood commissions and



shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood commission. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) The Council shall have authority in accordance with the provisions of this Act, to legislate with respect to the advisory neighborhood commissions established in this section.

(h) The foregoing provisions of this section shall take effect only if agreed to in accordance with the provisions of section 703(a) of this Act.

(Amended, Aug. 14, 1974, 88 Stat. 458, Pub. L. 93-376, title III, § 306(a); Oct. 30, 1975, D.C. Law 1-27, § 2(a), 22 DCR 2470.)

## NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) and particularly described in subsection (f), adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j), the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) and subsection (f), adequate police protection and maintenance of streets and highways.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code,

sec. 39-603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e)(1) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(f)(1)(A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;



thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Avenue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northern most point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.



(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of this Act [Dec. 24, 1973], the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall —

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g)(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as if included in this Act, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(3) Section 1 of the Act of July 31, 1946, as amended by the Act of October 20, 1967 (60 Stat. 718; 81 Stat. 275; 40 U.S.C. 193a), is hereby amended to include within the definition of the United States Capitol Grounds, the following streets: "Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the north curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street

S.W., including the two circles within such area. Nothing in this section shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the effective date of title IV of this Act vesting authority in the United States Supreme Court police and Library of Congress police to make arrests in adjacent streets, including First Street N.E. and First Street S.E.”

(4) Section 9 of the Act of July 31, 1946, as amended (40 U.S.C. 212a), is amended by deleting “or of any State,” and inserting in lieu thereof a comma and the following: “of the District of Columbia, or of any State,”.

(5) Section 9 of such Act is further amended by deleting the following: “, with the exception of the streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia.”.

(6) Section 14(a) of the Act of July 31, 1946, as amended (40 U.S.C. 212b), is amended by deleting: “, except on those streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia”.

(7) Section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended by deleting “: *Provided*, That those streets and roadways in said United States Capitol Grounds shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia shall continue under such jurisdiction and control, and said Commissioners shall be responsible for the maintenance and improvement thereof: *Provided further*,” and inserting in lieu thereof a comma and the following: “including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*,”.

(8) Section 9 of the Act of August 18, 1949, as amended (40 U.S.C. 13n), is amended by deleting “or of any State” and inserting in lieu thereof a comma and the following: “any law of the District of Columbia, or of any State,”.

(9) Section 9 of the Act of August 4, 1950, as amended (2 U.S.C. 167h), is amended by deleting “or of any State” and inserting in lieu thereof a comma and the following: “any law of the District of Columbia or of any State,”.

(h)(1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a, 193m), or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of



the Act of August 4, 1950, as amended (2 U.S.C. 167j), and except to the extent herein specifically provided, including amendments made by this section, nothing in this section shall be construed to repeal, amend, alter, modify, or supersede any provision of the Act of July 31, 1946, as amended (40 U.S.C. 193a et seq.), or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date immediately preceding such effective date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by this Act to be rendered or furnished (including maintenance of streets and highways, and services under section 731 of this Act) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on such date immediately preceding the effective date of title IV of this Act with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(i) Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act and which, on such date immediately preceding the effective date of such title, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after such effective date, continue to be applicable to and within such National Capital Service Area in the same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification.

(j) In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area.



## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

### EMERGENCY CONTROL OF POLICE

SEC. 740. (a) Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate. In no case, however, shall such services made available pursuant to any such direction under this subsection extend for a period in excess of forty-eight hours unless the President has, prior to the expiration of such period, notified the Chairman and ranking minority Members of the Committees on the District of Columbia of the Senate and the House of Representatives, in writing, as to the reason for such direction and the period of time during which the need for such services is likely to continue.

(b) Subject to the provisions of subsection (c) of this section, such services made available in accordance with subsection (a) of this section shall terminate upon the end of such emergency, the expiration of a period of thirty days following the date on which such services are first made available, or the enactment into law of a joint resolution by the Congress providing for such termination, whichever first occurs.

(c) Notwithstanding the foregoing provisions of this section, in any case in which such services are made available in accordance with the provisions of subsection (a) of this section during any period of an adjournment of the Congress sine die, such services shall terminate upon the end of the emergency, the expiration of the thirty-day period following the date on which Congress first convenes following such adjournment, or the enactment into law of a joint resolution by the Congress providing for such termination, whichever first occurs.

(d) Except to the extent provided for in subsection (c) of this section, no such services made available pursuant to the direction of the President pursuant to subsection (a) of this section shall extend for any period in excess of thirty days, unless the Senate and the House of Representatives enact into law a joint resolution authorizing such an extension.

(Amended, Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(i), (j).)

### HOLDING OFFICE IN THE DISTRICT

SEC. 741. Repealed. Apr. 17, 1974, 88 Stat. 87, Pub. L. 93-268, § 4(c).

### OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost.

### TERMINATION OF THE DISTRICT'S AUTHORITY TO BORROW FROM THE TREASURY

SEC. 743. (a) The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9-220 [10-620]), is amended by striking out subsections (b), (c), (d), and (e).

(b) The Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (64 Stat. 195; D.C. Code, sec. 43-1540 [34-2401.17]), is repealed.

(c) Title II of the Act entitled "An Act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes", approved May 18, 1954 (68 Stat. 108), is amended by striking out sections 213, 214, 216, 217, and 218 (D.C. Code, sections 43-1612, 43-1613, 43-1615, 43-1616, and 43-1617 [34-2112, 34-2113, 1-204.87]), authorizing loans from the United States Treasury for sanitary and combined sewer systems of the District.

(d) Section 402 of title IV of such Act approved May 18, 1954 (68 Stat. 110; D.C. Code, sec. 7-133 [9-101.17]), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

(e) Section 4 of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system", approved June 12, 1960 (74 Stat. 211; D.C. Code, sec. 43-1623 [34-2133]), is repealed.

(f) Nothing contained in this section shall be deemed to relieve the District of its obligation to repay any loan made to it under the authority of the Acts specified in the preceding subsections, nor to preclude the District from using the unexpended balance of any such loan appropriated to the District prior to the effective date of this provision, nor to prevent the District from fulfilling the provisions of section 722.

(Amended, Oct. 13, 1977, 91 Stat. 1156, Pub. L. 95-131, § 4.)

### PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

#### AMENDMENTS

SEC. 751. The District of Columbia Election Act (D.C. Code, secs. 1-1101—1-1115 [2-225.01—2-225.15]) is amended as follows:



(1) The first section of such Act (D.C. Code, sec. 1-1101 [2-225.01]) is amended by inserting immediately after "Board of Education," the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act (D.C. Code, sec. 1-1102 [2-225.02]) is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act (D.C. Code, sec. 1-1108 [2-225.04]) are amended to read as follows:

"(h)(1)(A) The Delegate, Mayor, Chairman of the District Council and the four at-large members of the Council shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate, Mayor, Chairman of the District Council, and at-large members of the Council in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election.

"(B)(i) A member of the office of Council (other than the Chairman and any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District from which the individual seeking such office was elected as a candidate for such office as provided in clause (ii) of this paragraph.

"(ii) Each candidate for the office of member of the Council (other than Chairman and at-large members) shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected as such a candidate, by the registered qualified electors of the ward of the District from which such individual was nominated, at the next preceding primary election to fill such office within that ward.

"(2) The nomination and election of any individual to the office of Delegate, Mayor, Chairman of the Council and member of the Council shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i)(1) Each individual in a primary election for candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred fourteenth day before the date of such election.



“(2) Each individual in a primary election for candidate for the office of member of the Council (other than the Chairman and at-large members) shall be nominated for such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two hundred and fifty persons in the ward from which such individual seeks election who are duly registered in such ward under section 7 of this Act, and who are of the same political party as the nominee.

“(3) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

“(j)(1) A duly qualified candidate for the office of Delegate, Mayor, Chairman of the Council, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than the Chairman or an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election; and in the case of a person who is a candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

“(2) Nominations under this subsection for candidates for election in a general election to any office referred to in paragraph (1) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

“(k)(1) In each general election for the office of member of the Council (other than the office of the Chairman or an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate who (A) has been duly elected by any political party in the next preceding primary election for such office from such ward, (B) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (C) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

“(2) In each general election for the office of Chairman and member of the Council at large, the Board shall arrange the ballots to enable a registered

qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election, including the Chairman. Such candidates shall be only those persons who (A) have been duly elected by any political party in the next preceding primary election for such office, (B) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (C) have been nominated directly as a candidate under subsection (j) of this section.

“(3) In each general election for the office of Delegate and Mayor, the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for any such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.”

(4) Paragraph (3) of section 10(a) of such Act (D.C. Code, sec. 1-1110 [2-225.05]) is amended (1) by inserting “(A)” immediately before the word “Except”, and (2) by adding at the end thereof the following:

“(B) Except as otherwise provided in the case of special elections under this Act, primary elections of each political party for the office of member of the Council shall be held on the first Tuesday after the second Monday in September in 1974, and every second year thereafter, and general election for such offices shall be held on the first Tuesday after the first Monday in November in 1974 and every second year thereafter.

“(C) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor and Chairman shall be held on the first Tuesday after the second Monday in September of every fourth year, commencing with calendar year 1974, and the general election for such office shall be held on the first Tuesday after the first Monday in November in 1974 and every fourth year thereafter.”

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act (D.C. Code, sec. 1-1110 [2-225.01]) are repealed, and paragraphs (4) and (5) of such section 10(a) are amended to read as follows:

“(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board’s opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

“(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year.”

(6) Section 10(b) of such Act (D.C. Code, sec. 1-1110 [2-225.01]) is amended by striking out “other than general elections for the Office of Delegate and for members of the Board of Education”.

(7) Section 10(c) of such Act (D.C. Code, sec. 1-1110 [2-225.01]) is amended by striking out the words “other than an election for members of the Board of Education”.

(8) Section 10(d) of such Act (D.C. Code, sec. 1-1110 [2-225.01]) is amended to read as follows:



“(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate, Mayor, or member of the Council, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office, the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of a candidate for the office of Delegate, Mayor, or member of the Council who has been declared the winner in the preceding primary election of such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office.”

(9) The first sentence of section 15 of such Act (D.C. Code, sec. 1-1115 [2-225.10]) is amended to read as follows: “No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and no person shall be a candidate for more than one office on the Council in any primary election.”

(10) Section 15 of such Act (D.C. Code, sec. 1-1115 [2-225.10]) is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

“(b) No person who is holding the office of Mayor, Delegate, Chairman or member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held.”

## DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

## PART F—RULES OF CONSTRUCTION

### CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.



SEVERABILITY

SEC. 762. If any particular provision of this Act, or the application thereof to any person or circumstance, is held invalid, the remainder of this Act and the application of such provision to other persons or circumstances shall not be affected thereby.

(Added, Oct. 12, 1984, 98 Stat. 1837, Pub. L. 98-473, § 131(l).)

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G, and section 722 of title VII shall take effect on the date of enactment of this Act.

(b) Section 712, 713, 714, and 715 of title VII, and section 401(b) of title IV, and title II shall take effect July 1, 1974, except that any provision thereof which in effect transfers authority to appoint any citizen member of the National Capital Planning Commission or the District of Columbia Redevelopment Land Agency shall take effect January 2, 1975.

(c) Titles III and IV, except section 401(b) of title IV, shall take effect January 2, 1975, if title IV is accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum.

(d) Title VI and parts D and F and sections 711, 716, 717, 718, 719, 721, and 723 of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum.

(Amended, Apr. 17, 1974, 88 Stat. 87, Pub. L. 93-268, § 3(c); Aug. 29, 1974, 88 Stat. 793, Pub. L. 93-395, § 1(8).)

**INITIATIVE, REFERENDUM, AND RECALL  
CHARTER AMENDMENTS ACT OF 1977**

**D.C. Law 2-46 (As amended by Pub. L. 95-526)**

In the Council of the District of Columbia, March 10, 1978, to amend the Charter of the District of Columbia to provide for the power of initiative, referendum, and recall.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Initiative, Referendum, and Recall Charter Amendments Act of 1977”.

“SEC. 2. Subject to the approval of the registered qualified electors of the District of Columbia, the District of Columbia charter is amended as follows:

“Amendment No. 1—Initiative and Referendum

“*Sec. 1. Definitions*

“(a) The term ‘initiative’ means the process by which the electors of the District of Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the District of Columbia for their approval or disapproval.

“(b) The term ‘referendum’ means the process by which the registered qualified electors of the District of Columbia may suspend acts of the Council of the District of Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operating budget) until such acts have been presented to the registered qualified electors of the District of Columbia for their approval or rejection.

“*Sec. 2. Process*

“(a) An initiative or referendum may be proposed by the presentation of a petition to the District of Columbia Board of Elections and Ethics containing the signatures of registered qualified electors equal in number to five (5) percent of the registered electors in the District of Columbia: Provided, That the total signatures submitted include five (5) percent of the registered electors in each of five (5) or more of the City’s Wards. The number of registered electors which is used for computing these requirements shall be according to the latest official count of registered electors by the Board of Elections and Ethics which was issued thirty (30) or more days prior to submission of the signatures for the particular initiative or referendum petition.

“(b) (1) Upon the presentation of a petition for a referendum to the District of Columbia Board of Elections and Ethics as provided in this section, the District of Columbia Board of Elections and Ethics shall notify the appropriate custodian of the act of the Council of the District of Columbia (either the President of the United States or the President of the Senate and the Speaker of the House of Representatives) as provided in sections 404 and 446 of the Home Rule Act and the President of the United States or the President of the Senate and the Speaker of the House of Representatives, shall, as is appropriate, return such act or portion of such act to the Chairman of the Council of the District of Columbia. No further action may be taken upon such act or portion of such act until after a referendum election is held.

“(2) No act is subject to referendum if it has become law according to the provisions of section 404 of the Home Rule Act.

“*Sec. 3.* The District of Columbia Board of Elections and Ethics shall submit an initiative measure without alteration at the next general, special or primary election held at least ninety (90) days after the measure is received. The District of Columbia Board of Elections and Ethics shall hold an election on a referendum measure within one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act. If a previously scheduled general, primary, or special election will occur between fifty-four (54) and one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act, the District of Columbia Board of Elections and Ethics may present the referendum at that election.

*“Sec. 4. If a majority of the registered qualified electors voting on a referred act vote to disapprove the act, such action shall be deemed a rejection of the act or that portion of the act on the referendum ballot and no action may be taken by the Council of the District of Columbia with regard to the matter presented at referendum for the three hundred and sixty-five (365) days following the date of the District of Columbia Board of Elections and Ethics’ certification of the vote concerning the referendum.*

*“Sec. 5. If a majority of the registered qualified electors voting in a referendum approve an act or adopt legislation by initiative, then the adopted initiative or the act approved by referendum shall be an act of the Council upon the certification of the vote on such initiative or act by the District of Columbia Board of Elections and Ethics, and such act shall become law subject to the provisions of section 602(c).*

*“Sec. 6. The District of Columbia Board of Elections and Ethics shall be empowered to propose a short title and summary of the initiative and referendum matter which accurately reflects the intent and meaning of the proposed referendum or initiative. Any citizen may petition the Superior Court of the District of Columbia no later than thirty (30) days prior to the election at which the initiative or referendum will be held for a writ in the nature of mandamus to correct any inaccurate short title and summary by the District of Columbia Board of Elections and Ethics and to mandate that Board to properly state the summary of the initiative or referendum measure.*

*“Sec. 7. The Council of the District of Columbia shall adopt such acts as are necessary to carry out the purpose of this amendment within one hundred and eighty (180) days of the effective date of this amendment. Neither a petition initiating an initiative nor a referendum may be presented to the District of Columbia Board of Elections and Ethics prior to October 1, 1978.*

#### *“Charter Amendment No. 2—Recall of Elected Public Officials*

*“Sec. 1. The term ‘recall’ means the process by which the qualified electors of the District of Columbia may call for the holding of an election to remove or retain an elected official of the District of Columbia (except the Delegate of Congress for the District of Columbia) prior to the expiration of his or her term.*

*“Sec. 2. Any elected officer of the District of Columbia government (except the Delegate to Congress for the District of Columbia) may be recalled by the registered electors of the election ward from which he or she was elected or by the registered electors of the District of Columbia at-large in the case of an at-large elected officer, whenever a petition demanding his or her recall, signed by ten (10) percent of the registered electors thereof, is filed with the District of Columbia Board of Elections and Ethics. The ten (10) percent shall be computed from the total number of the registered electors from the ward, according to the latest official count of registered electors by the Board of Elections and Ethics which was issued thirty (30) or more days prior to submission of the signatures for the particular recall petition. In the case of an*



at-large elected official, the ten (10) percent shall include ten (10) percent of the registered electors in each of five (5) or more of the City's wards. The District of Columbia Board of Elections and Ethics shall hold an election within one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act. If a previously scheduled general, primary, or special election will occur between fifty-four (54) and one hundred and fourteen (114) days of its receipt of a petition as provided in section 2 of this act, then the District of Columbia Board of Elections and Ethics may present the recall question at that election.

"Sec. 3. The process of recalling an elected official may not be initiated within the first three hundred and sixty-five (365) days nor the last three hundred and sixty-five (365) days of his or her term of office. Nor may the process be initiated within one year after a recall election has been determined in his or her favor.

"Sec. 4. An elected official is removed from office if a majority of the qualified electors voting in the election vote to remove him or her. The vacancy created by such recall shall be filled in the same manner as other vacancies as provided in sections 401(d) and 421(c)(2) of the Home Rule Act and section 10 (a) of the District of Columbia Elections Act.

"Sec. 5. The Council of the District of Columbia shall adopt such acts as are necessary to carry out the purpose of this amendment within one hundred and eighty (180) days of the effective date of this amendment. No petition for recall may be presented to the District of Columbia Board of Elections and Ethics prior to October 1, 1978."

SEC. 3. This act shall take effect as provided in section 303 of the District of Columbia Self-Government and Governmental Reorganization Act.

## **CONCURRENT RESOLUTIONS TO D.C. LAW 2-46**

**95th CONGRESS, 2nd Session**

**H. CON. RES. 464, Calendar No. 615**

[Report No. 95-673]

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28 (legislative day, FEBRUARY 6), 1978

Referred to the Committee on Governmental Affairs

MARCH 7 (legislative day, FEBRUARY 6), 1978

Reported by Mr. EAGLETON, without amendment

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### **CONCURRENT RESOLUTION**

*Resolved by the House of Representatives (the Senate concurring), That the*

ACTS RELATING TO ESTABLISHMENT OF DISTRICT

Congress approves the action of the District of Columbia Council described as follows: Amendment Numbered 1 (relating to initiative and referendum) to the District of Columbia Charter, as stated in section 2 of the Initiative, Referendum, and Recall Charter Amendments Act of 1977, approved June 14, 1977 (Act 2-46), as amended by the Emergency Amendments to the Initiative, Referendum, and Recall Charter Amendments Act of 1977, approved November 1, 1977 (Act 2-94), and as ratified by a majority of the registered qualified electors of the District of Columbia voting in the referendum held for such ratification on November 8, 1977, such amendment having been submitted to the Congress for its approval on December 2, 1977, pursuant to section 303 of the District of Columbia Self-Government and Governmental Reorganization Act.

Passed the House of Representatives February 27, 1978.

Attest: EDMUND L. HENSHAW, JR., *Clerk*.

Passed the Senate March 10 (legislative day, February 6), 1978.

Attest: J. S. KIMMITT, *Secretary*.

**95th CONGRESS, 2nd Session**  
**H. CON. RES. 471, Calendar No. 616**

[Report No. 95-672]

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 28 (legislative day, FEBRUARY 6), 1978

Referred to the Committee on Governmental Affairs

MARCH 7 (legislative day, FEBRUARY 6), 1978

Reported by Mr. EAGLETON, without amendment

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**CONCURRENT RESOLUTION**

*Resolved by the House of Representatives (the Senate concurring), That the Congress approves the action of the District of Columbia Council described as follows: Amendment No. 2 (relating to recall of elected officials) to the District of Columbia Charter, as stated in section 2 of the Initiative, Referendum, and Recall Charter Amendments Act of 1977, approved June 14, 1977 (Act 2-46), as amended by the Emergency Amendments to the Initiative, Referendum, and Recall Charter Amendments Act of 1977, approved November 1, 1977 (Act 2-94), and as ratified by a majority of the registered qualified electors of the District of Columbia voting in the referendum held for such ratification on November 8, 1977, such amendment having been submitted to the Congress*

for its approval on December 2, 1977, pursuant to section 303 of the District of Columbia Self-Government and Governmental Reorganization Act.

Passed the House of Representatives February 27, 1978.

Attest: EDMUND L. HENSHAW, JR., *Clerk.*

Passed the Senate March 10 (legislative day, February 6), 1978.

Attest: J. S. KIMMITT, *Secretary.*

## **MAYOR AND CHAIRMAN OF THE COUNCIL TRANSITION EMERGENCY ACT OF 1978**

### **Act 2-307**

In the Council of the District of Columbia, December 4, 1978, 25 DCR 6933, to promote the orderly transfer of the executive power upon expiration of the term of office of a Mayor and the inauguration of a new Mayor, and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Mayor and Chairman of the Council Transition Emergency Act of 1978".

SEC. 2. *Purpose of This Act.* The purpose of this act is to provide for the orderly transfer of the executive power in connection with the expiration of the term of office of a Mayor and the inauguration of a new Mayor. The act authorizes appropriate actions to be taken to assure continuity in the faithful execution of the laws and in the conduct of the affairs of the government of the District of Columbia.

SEC. 3. *Services and Facilities Authorized to be Provided to the Mayor-Elect.*

(a) Following upon the certification by the District of Columbia Board of Elections and Ethics of a Mayor-elect of the District of Columbia, the person who is the Mayor-elect of the District of Columbia is authorized to establish an office of transition and appoint a transition staff that shall be entitled to receive necessary and reasonable services and facilities for use in connection with preparations for assumption of official duties as Mayor. The incumbent Mayor is authorized to provide necessary and reasonable services and facilities for use in connection with preparations for assumption of official duties of the Mayor-elect, including:

(1) suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies at such place or places within the District of Columbia as the Mayor shall designate;

(2) payment of the compensation of transition office staff at rates not to exceed those prescribed in section 5332 of Title 5, United States Code: PROVIDED, That any employee of a department or agency of the Executive Branch or an employee of the Legislative Branch of the District of Columbia government may be detailed to the transition office on a reimbursable or



nonreimbursable basis with the consent of the head of the appropriate department or the agency; and while so detailed such employee shall be responsible only to the Mayor-elect for performance of his duties: PROVIDED FURTHER, That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption. Notwithstanding any other law, persons receiving compensation as members of transition office staff under this subsection, other than detailed employees, shall not be held or considered to be employees of the District government;

(3) payment of expenses for the procurement of services of experts or consultants or organizations thereof for the Mayor-elect, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946 (5 U.S.C. 3109), as amended, at rates not to exceed one hundred fifty dollars (\$150) per diem for individuals;

(4) payment of travel expenses and subsistence allowances, including rental of governmental or hired motor vehicles, found necessary by the Mayor-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946 (5 U.S.C. 5703), as amended, as may be appropriate;

(5) communications services found necessary by the Mayor-elect;

(6) payment of expenses for necessary printing and binding;

(7) conveyance of all official mail matter, including airmail, sent by the Mayor-elect in connection with his preparations for the assumption of official duties as Mayor, in accordance with the provisions of the Official Correspondence Regulations (D.C. Law 1-118; D.C. Code, sec. 1-1701 [2-701] et seq.); and

(8) payment of expenses required for the official inaugural ceremony of the Mayor.

(b) No funds for the provision of services and facilities under this act shall be expended in connection with any obligation incurred by the Mayor-elect before the day following the date of the general election held to determine the Mayor, or after the inauguration of the Mayor-elect.

(c)(1) The term "Mayor-elect" as used in this act shall mean such person who is certified as the successful candidate for the office of Mayor by the District of Columbia Board of Elections and Ethics following the general election held to determine the Mayor. The term "incumbent Mayor" or "Mayor" as used in this act shall mean the person who holds the office of Mayor pursuant to section 421 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 789; D.C. Code, sec. 1-161 [1-204.21]) on the date of said general election. The term "Chairman of the Council of the District of Columbia" shall mean the person who holds the office of the Chairman of the Council of the District of Columbia pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (87 Stat. 785; D.C. Code, sec. 1-141 [1-204.01]) on the date of said general election.

(2) In the event the Mayor-elect is the incumbent Mayor, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this act, and any funds appropriated for such purposes shall be returned to the general fund of the District government.

## ACTS RELATING TO ESTABLISHMENT OF DISTRICT

SEC. 4. *Services and Facilities Authorized to be Provided to the Former Mayor and the Chairman of the Council of the District of Columbia.* For a period not to exceed three (3) months from the date of the expiration of his term of office as Mayor, an incumbent Mayor is authorized to receive for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this act to be provided to a Mayor-elect. Any person appointed or detailed to serve a former Mayor under the authority of this section shall be appointed or detailed in accordance with, and shall be subject to, all of the provisions of section 3 of this act applicable to persons appointed or detailed under authority of that section. The provisions of this section shall apply in like manner to a former Chairman of the Council of the District of Columbia.

SEC. 5. *Authorizations of Appropriations.* There are hereby authorized to be appropriated such funds as may be necessary to carry out the purposes of this act and such funds shall remain available during the fiscal year in which the transition occurs and the next succeeding fiscal year.

SEC. 6. *Effective Date.* This act shall take effect immediately upon enactment and shall remain in effect for a period of not to exceed ninety (90) days, as provided for in section 412(a) of the District of Columbia Self-Government and Governmental Reorganization Act.

**ACTS RELATING TO CORPORATION OF  
GEORGETOWN**

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**ORIGINAL MARYLAND ACT AUTHORIZING  
ERECTION OF GEORGETOWN**

**An Act For Laying Out and Erecting a Town on Potomac  
River, Above the Mouth of Rock  
Creek, in Frederick County**

Whereas several inhabitants of Frederick County, by their humble petition to this General Assembly, have set forth, that there is a convenient place for a town on Potomac River, above the mouth of Rock Creek, adjacent to the inspection-house in the County aforesaid, and prayed, that sixty acres of land may be there laid out and erected into a town:

2. *Be it therefore enacted, by the right honorable the lord proprietary, by and with the advice and consent of his lordship's governor, and the Upper and Lower Houses of Assembly, and the authority of the same, That Captain Henry Wright Crabb, Master John Needham, Master John Clagett, Master James Perrie, Master Samuel Magruder the Third, Master Josias Bealle, and Master David Lynn, shall be, and are hereby, appointed commissioners for Frederick County aforesaid, and are hereby authorized and empowered, as well to buy and purchase sixty acres, part of the tracts of land belonging to Messrs. George*



Gordon and George Bell, at the place aforesaid, where it shall appear to them, or the major part of them, to be most convenient as to survey and lay out, or cause the same to be surveyed and laid out, in the best and most convenient manner, into eighty lots, to be erected into a town.

3. *And be it further enacted, by the authority, advice, and consent aforesaid,* That the commissioners aforesaid before nominated and appointed, or the major part of them, are hereby empowered and required, at some time by them, or the major part of them, to be appointed, before the first day of October next, to meet together on the land aforesaid, or at some other place near and convenient thereto, and then and there treat and agree (if the same can be done on reasonable terms,) with the owner or owners, and person or persons interested in the same sixty acres of land, for the purchase thereof; and if it shall happen that the said owner or owners, person or persons, will not agree with the said commissioners for such rate or price as they the said commissioners, or the major part of them, shall think reasonable, or shall refuse to make sale of the same, or that through non-age, coverture, or any other disability or impediment, shall be disabled to make such sale, that then and in any such case the commissioners aforesaid, or the major part of them, shall and are hereby empowered and required, to issue a warrant, under their hands and seals, directed to the sheriff or coroner of Frederick County aforesaid for the time being, commanding him to summon and impanel a jury of seventeen good and lawful men, freeholders of his bailiwick, to be and appear at the day and place in such warrant to be mentioned, which sheriff is hereby required and obliged to execute the same; and that jury, being by the said commissioners charged and sworn, shall, upon their oath, inquire, assess, and return, what damages or recompence they shall think fit to be paid and given to such owner or owners, person or persons, for the sixty acres of land aforesaid, and that whatever sum or sums of money such jury shall so assess and award, shall and is hereby declared to be the value and price to be paid to such owner or owners, person or persons, interested in the sixty acres of land aforesaid; but if the said jury shall assess and value the said land at a less price than fifty shillings current money for each acre, then in such case the purchaser or purchasers of such land shall pay such further sum, over and above what shall be the valuation of the said jury, as shall make up the full sum of fifty shillings like money as aforesaid for every acre, to be paid to such proprietor or proprietors as aforesaid.

4. *And be it further enacted, by the authority, advice, and consent aforesaid,* That after the agreement and purchase of the commissioners aforesaid, or after the assessment and return of the jury aforesaid, as the case shall happen, the aforesaid commissioners, or the major part of them, shall and are hereby required to cause the same sixty acres of land to be carefully surveyed, divided and laid out, by the surveyor of the county aforesaid, or such other person as they, or the major part of them, shall make choice of and appoint for that purpose, as near as conveniently may be, into eighty equal lots, allowing such sufficient space or quantity thereof for streets, lanes, and alleys, as to them seem meet, and the same lots, so laid out, shall number with

numbers, one, two, and three, and so to eighty, for distinguishing each lot from the other; and shall cause the streets, lanes, and alleys, to be named and distinguished by certain names, and by good sufficient cedar or locust posts, to be set up as a boundary to each of them.

5. *And be it further enacted, by the authority, advice, and consent aforesaid,* That the commissioners, or the major part of them, shall and are hereby required to assess, set, and ascertain the price to be paid for each of the lots aforesaid, according to the value, conveniency, and situation thereof, so always that the prices of all the said lots, added together, may amount to the sum by them agreed for, or awarded by the jury, for the aforesaid sixty acres of land, and no more; and the aforesaid sixty acres of land being so surveyed, laid out and divided, shall be and is hereby, erected into a town and shall be called by the name of Georgetown.

6. *And be it further enacted,* That the owner or owners of the aforesaid land shall and may have his, her, or their choice of any of the two lots aforesaid, to be by him, her, or them, retained for his, her, or their proper use, provided such choice shall be made and declared to the commissioners aforesaid, or the major part of them, within ten days after the survey aforesaid shall be made and completed, and not otherwise; and that after such choice is made, or in case no such choice shall be made within the ten days aforesaid, then after the expiration of the same ten days, all persons whatsoever shall be at liberty to take up and purchase the same lots, paying the owner or owners aforesaid, or others therein interested, the price or value thereof, so as aforesaid set and assessed by the commissioners aforesaid; and that every person who shall pay as aforesaid the price of the lot by him or her so taken up or chosen, or shall prove to the satisfaction of the said commissioners, or the major part of them, that he or she had tendered or offered to pay the said price to the owner or owners aforesaid, and that such owner had refused to accept or receive the same, and an entry of such payment or tender and refusal being made according to the directions hereafter mentioned, such person shall and is hereby declared to be, by virtue of such payment or tender and refusal, and entry thereof made as aforesaid, and this act, fully and absolutely invested and seized of and in an estate of inheritance in fee simple of and in such lot, to him or her, and his and her heirs and assigns forever, without any deed, conveyance, or other transfer, from such owner or owners for the same, any statute, law, usage, or custom, to the contrary notwithstanding.

7. *Provided always,* That it shall not be lawful for any person to take up, enjoy, have, or possess, more than one of the same lots, within twelve months after the same are divided and laid out as aforesaid; *provided, also,* that all and every person and persons aforesaid so taking up the lots aforesaid, or any of them, shall and are hereby obliged and required, within two years after they shall take up their respective lots as aforesaid and entry thereof made as aforesaid, to erect, build, and finish thereon, one good and substantial house that shall cover four hundred square feet of ground at the least, and that it be made in every respect tenantable, with one good brick or stone chimney thereto; and that all and every of such taker or takers up, who shall neglect to



build as aforesaid on their respective lots aforesaid, within the time herein for that purpose limited and appointed, shall lose such, and the estate of such taker up so neglecting as aforesaid, shall from henceforth cease and determine, and such lot or lots so neglected to be built upon shall be subject to be again taken up by any other person whatsoever, which second taker up, paying to the commissioners aforesaid the price thereof so as aforesaid assessed, and entry thereof made as aforesaid, and building thereon as before directed within the time before limited after such second taking up, shall have the like estate in such lot or lots as the first takers up who shall comply with the requisites before mentioned are herein before declared to have, and so, TOTIES QUOTIES, until the same lots shall be built on and improved as aforesaid.

8. *And be it further enacted*, That the money aforesaid directed to be paid to the commissioners aforesaid, for the lots not built on and improved by the first takers up within the time herein limited, shall and is hereby directed to be applied to such purposes, for the use and benefit of the said town, as to the said commissioners, or the major part of them, shall seem meet.

9. *And be it further enacted, by the authority aforesaid*, That the surveyor of the county aforesaid, or any other person whom the commissioners aforesaid, or the major part of them, shall appoint to survey and lay out the lands aforesaid, as before herein directed, shall make out a fair and exact plot of the town aforesaid, and survey thereof, whereby each lot, street, lane, and alley, may appear to be well distinguished by their respective numbers and names, and the same plot, with a full and plain certificate thereof, shall deliver to the commissioners as aforesaid, or the major part of them, to be entered and repositied as hereafter directed; and that the said surveyor, or other person appointed as aforesaid, shall have and receive for surveying and laying out the town aforesaid, and making the plot aforesaid, the sum of one thousand pounds of tobacco, to be paid and allowed in the county levy, and no more.

10. *And be it further enacted, by the authority aforesaid*, That the commissioners aforesaid, or the major part of them, shall and are hereby required to employ some sufficient person for their clerk, and shall administer an oath to such clerk for the due performance of his office, which clerk shall and is hereby obliged to find and provide a good well bound book, for registering and entering the proceeds of the said commissioners in the premises, and shall duly and faithfully register and enter in such book the certificate of the survey aforesaid, the prices of each respective lot, the name of the owner, and the time of its being taken up and paid for, or of the tender or refusal as aforesaid, and all other the transactions and proceedings of the aforesaid commissioners whatsoever, in and about the town aforesaid; which said register, together with the plot or survey of the same town, shall be carefully examined and inspected by the aforesaid commissioners, or the major part of them, and after the same is completed, shall be lodged with, and delivered to, the clerk of the same county, to be by him kept amongst the records of the same county.

11. *And be it further enacted*, That the said commissioners, or the major part of them, shall limit and ascertain what fees their clerk aforesaid shall



have and receive for the several services by him to be done by virtue of this act, to be paid by the several persons taking up the lots aforesaid.

12. And whereas it may be advantageous to the said town to have fairs kept therein, and may prove an encouragement to the back inhabitants, and others, to bring commodities there to sell and vend, *Be it enacted*, That it shall and may be lawful for the commissioners of the said town to appoint two fairs to be held therein annually, the one fair to begin on the second Thursday in April, and the other on the first Thursday in October, annually; which said fairs shall be held each for the space of three days, and that during the continuance of such fair or fairs, all persons within the bounds of the said town shall be privileged and free from arrests, except for felony or breach of the peace, and all persons coming to such fair or fairs, or returning therefrom, shall have the like privilege of one day before the fair, and one day on their return therefrom; and the commissioners for the said town are hereby empowered to make such rules and orders for the holding the said fairs, as may tend to prevent all disorders and inconveniences that may happen in the said town, and such as may tend to the improvement and regulating of the said town in general, so as such rules, except in fairtime, affect none but livers in the said town, or such person or persons as shall have a lot or free-hold therein, any law, statute, usage, or custom, to the contrary notwithstanding; provided, always, that such rules and orders be not inconsistent with the laws of this province, nor the statutes or customs of Great Britain.

13. *And be it further enacted*, That the commissioners for the said town, or the major part of them, from time to time, and at all times, shall have power to remove all nuisances that they shall find in any of the streets or alleys of said town; provided nevertheless, that this act nor any thing herein contained, shall extend, or be construed to extend, to enable or capacitate the said commissioners or inhabitants of the said town to elect or choose delegates or burgesses to sit in the general assembly of this province as representatives of the said town; *But it is hereby enacted*, That the commissioners or the inhabitants of the said town shall not elect or choose any delegate or delegates, burgess or burgesses, to represent the said town in any general assembly of this province.

14. *And be it further enacted*, That when and as often as any of the commissioners aforesaid shall die, or remove from the county aforesaid, or refuse or neglect to join in the execution of this act, then, and in any such case, the major part of the other commissioners aforesaid shall choose others in the place of such who shall die, refuse, remove, or neglect as aforesaid, and such person or persons so chosen, shall have equal power to act as the other commissioners herein mentioned.

15. *And be it further enacted, by the authority aforesaid*, That all and every person and persons taking up and possessing the lots aforesaid, or any of them, shall be, and are hereby, obliged to pay unto the right honorable the lord proprietary, his heirs or successors, the yearly rent of one penny sterling money for each respective lot by them so taken up and possessed, to be paid in

the same manner as his land rents in this province now are, or hereafter shall be paid.

16. Saving unto his most sacred majesty, his heirs and successors, the right honorable the lord proprietary, his heirs and successors, and to all bodies politic and corporate, and all persons not mentioned in this act, their several and respective rights, any thing in this act to the contrary notwithstanding.

## ACT OF 1783 AUTHORIZING ADDITION TO GEORGETOWN

### An Act for an Addition to Georgetown, in Montgomery County

Whereas Thomas Beall, son of George, of Montgomery county, by his humble petition to this general assembly hath set forth, that he is seized and possessed of part of a tract of land, called and known by the name of the Rock of Dumbarton, adjoining Georgetown, containing sixty-one acres, which he is desirous of annexing to said town, and therefore prayed that a law might pass for that purpose; and it appearing to this general assembly, that to extend and enlarge the limits of said town will greatly contribute to promote the trade and commerce thereof:

2. *Be it enacted by the General Assembly of Maryland*, That Messieurs John Murdock, Richard Thompson, William Deakins, Thomas Richardson, and Charles Beatty, the commissioners of Georgetown, or the major part of them, be authorized and required, at any time before the first day of August next, to cause the aforesaid parcel of land, or such part thereof as they may think necessary, to be surveyed and laid out into lots, streets, lanes, and alleys, at the proper cost and expense of the said Thomas Beall, in such manner as to the said commissioners, or a major part of them, shall appear convenient.

3. *And be it enacted*, That the commissioners aforesaid, or a major part of them, shall, on or before the said first day of August next, cause a correct and accurate survey and plot to be made of the said land, and of all the lots, streets, lanes and alleys, which shall be laid out in virtue of this act; and the said plot shall be recorded amongst the records of the said county, as soon as conveniently may be thereafter, there to remain as evidence of the boundaries, situation, and location of the said lots, and of the streets, lanes, and alleys; which said streets, lanes, and alleys, hereafter to be laid out in pursuance of this act, shall be highways, and be so deemed and taken to all intents and purposes whatsoever; and when the same shall be done, the said land, so surveyed and laid out, shall be, and is hereby declared to be, part of Georgetown, as fully and amply, as if originally included therein, and shall have the same immunities and privileges as the rest of the said town hath, or by former laws ought to have; saving to the state of Maryland, and all bodies politic and corporate, and all persons not mentioned in this act, their several and respective rights.



# ACT OF 1785 AUTHORIZING ADDITION TO GEORGETOWN

## An Act for an Addition to Georgetown, in Montgomery County

Whereas Robert Peters, William Deakins, junior, Charles Beatty, and John Threlkeld, of Georgetown, by their humble petition to this general assembly have set forth, that they have agreed to lay out, as an addition to Georgetown, twenty acres and eighteen thirty seconds of an acre of ground, being part of the following tracts of land, to wit: one acre and twenty-six thirty seconds of an acre, part of a tract of land called Frogland, the property of the aforesaid Charles Beatty, two acres and one thirty second of an acre, part of a tract of land called Discovery, the property of the aforesaid Robert Peters, thirteen acres and twenty-nine thirty seconds of an acre, part of a tract of land called Conjurors' Disappointment, the property of the aforesaid William Deakins, junior, and three acres twenty-six thirty seconds of an acre, part of a tract of lands called the Resurvey on Salop, the property of the aforesaid John Threlkeld, into sixty-five lots, and a sufficient number of streets, as appears by the plot of the actual survey thereof, made by the said Francis Deakins on the first day of September, in the year of our Lord one thousand seven hundred and eighty-four; and the said Robert Peters, John Threlkeld, William Deakins, jr. and Charles Beatty, have prayed that an act may pass confirming the same as an addition to Georgetown, and establishing the boundaries thereof as now laid down by the survey and plot aforesaid, and granting to those who shall be proprietors of the lots fronting on the north side of Water-street, the exclusive right to the ground and water on the south side thereof, for the sole purpose of making wharves, without being allowed to erect any buildings thereon, and vesting a power in the commissioners of Georgetown to improve, by wharves for public good, the land and water fronting Frederick, Fayette, and Gay streets; and it appearing to this general assembly, that extending the limits of the said town will greatly contribute to the promotion of the trade and commerce thereof, and be of general utility; therefore,

2. *Be it enacted by the General Assembly of Maryland,* That the said parts of tracts of land herein before mentioned and described, and laid out into sixty-five lots and a sufficient number of streets, as delineated on the plot of the survey thereof, made by Francis Deakins on the first day of September, in the year of our Lord one thousand seven hundred and eighty-four, be, and they are hereby declared to be, part of Georgetown aforesaid, and shall have, possess, be entitled to, and enjoy, to all and every intent and purpose, all the immunities, privileges, and advantages, which do or shall appertain to the said town, as fully and amply, in every respect, as if the same had been originally part thereof and included therein; and the said lots and streets, surveyed and laid out in manner herein before set forth, shall be, and they are hereby, established and confined, according to the delineation and description of the same on the plot of the survey thereof by Francis Deakins, herein before



referred to, and in all disputes and controversies which may or shall hereafter happen or arise respecting the location of the said lots and streets, the said plot, the bounds and lines therein referred to being proved, shall be conclusive evidence between the parties at whose instance this act is passed, and all claiming under them.

3. *And be it further enacted*, That the proprietors of the lots fronting on the north side of Water-street, shall have and enjoy the exclusive right to the ground and water on the south side of their respective lots, for the sole purpose of making wharves, but they shall not be allowed to erect any buildings on the wharves so to be made by them.

4. *And be it further enacted*, That it shall and may be lawful for the commissioners of Georgetown, or the major part of them, and they are hereby empowered, to make and erect wharves on the ground and water fronting on Frederick, Fayette, and Gay-streets, for the public good, which said wharves shall be for the use and convenience of all vessels trading to the said town, without paying wharfage or any duty or imposition whatever, for using the same.

5. *And be it further enacted*, That for the safe keeping and preservation of the said plot of the said addition to Georgetown, the same shall be deposited with the commissioners of the said town, who are hereby directed to receive the said plot, and take care thereof.

## ACT INCORPORATING GEORGETOWN

### An Act to Incorporate George-town, in Montgomery County

*Be it enacted, by the General Assembly of Maryland*, That George-town, in Montgomery county, shall be and hereby is erected, constituted and made, an incorporate town, consisting of a mayor, recorder, six aldermen, and ten other persons to be common council-men, of the said town, which said mayor, recorder, aldermen and common council-men, shall be a body incorporate and one community for ever, in right and by the name of The Mayor, Recorder, Aldermen and Common Council, of the said town, and shall be able and capable to sue and be sued at law, and to act and execute, do and perform, as a body incorporate, which shall have succession for ever, and to that end to have a common seal, and the same to change and alter at their pleasure; and Robert Peter, Esquire, one of the inhabitants of the said town, shall for the present be and hereby is appointed mayor of the said town for the next year, to commence on the fifth day of January next; and John Mackall Gantt, Esquire, shall be and hereby is appointed recorder of the said town; and Brooke Beall, Bernard Oneale, Thomas Beall, of George, James Maccubbin Ligan, John Threlkeld and John Peter, Esquires, inhabitants of the said town, shall be and hereby are appointed aldermen of the said town so long as they shall well behave themselves therein.

II. *And be it enacted*, That all free men above twenty-one years of age, and having visible property within the state above the value of thirty pounds current money, and having resided in the said town one whole year next before the first day of January next, shall have a right to assemble at such place in the said town as the said mayor, recorder and aldermen, or any three or more of them, shall appoint, and when assembled they shall proceed to elect, *viva voce*, ten persons, residents of the said town one whole year next before the said first day of January next, above twenty-one years of age, and having visible property within the state above the value of one hundred pounds current money, to be common council of the said town for so long time as they shall well behave themselves, and the said mayor, recorder and aldermen, or any three or more of them, shall be judges of the said election, and the ten persons who shall have the greatest number of legal votes upon the final casting up of the polls, shall be declared duly elected.

III. And, to perpetuate the succession of the said mayor, recorder, aldermen and common council, in all time to come, *Be it enacted*, That the said mayor, recorder, aldermen and common council, shall assemble at some convenient place in the said town upon the first Monday of January, seventeen hundred and ninety-one, and on the same day for ever thereafter, and shall elect, by the majority of votes of such of them as shall be then present, one other of the aldermen of the said town for the time being, to be mayor of the said town for the ensuing year; and upon the death or removal of the said mayor, or of the recorder or any alderman, of the said town, and within one year after any such event, such of the said persons as shall be alive, or the major part of them, shall assemble at some convenient place in the said town, and elect, by a majority of votes, some other person or persons to be mayor, recorder, alderman or aldermen, of the said town, in the place of such person or persons so deceased or removed respectively, as the case shall require, so as the said mayor, so to be elected, be at the time of such election actually one of the aldermen of the said town, and so as the said recorder, so to be elected, be a person learned in the law, and so as the said alderman and aldermen, so to be elected, be actually, at the time of such election, of the common council of the said town; and in case of the election of any of the common council to be an alderman, the vacancy shall be filled up by an election, at such time, (not less than five days thereafter,) as the said mayor, recorder and aldermen, or any three or more of them, shall appoint, by the residents of the said town qualified as herein before directed and required in the first election of the common council then for the said town.

IV. *And be it enacted*, That the mayor, recorder and aldermen, hereby appointed, or hereafter to be elected, shall be justices of the peace within the said town and the precincts thereof, having first taken the oath appointed by law to be taken by justices of the peace.

V. *And be it enacted*, That the said mayor, recorder and aldermen, hereby appointed, or hereafter to be elected, or any three or more of them, shall have within the said town or the precincts thereof, full power to elect a sheriff, and to appoint constables and other necessary officers, for the said town.



VI. *And be it enacted*, That the said mayor, recorder, aldermen and common council, of the said town, for the time being, shall have full power and authority to make such by-laws for the regulation and good government of the said town and precincts, and the inhabitants thereof, and to restrain all disorders and disturbances, and to prevent all nuisances, inconveniences and annoyances, within the said town and its precincts, and other matters, exigencies and things, within the said town and precincts, as to them, or a major part of them, shall seem meet and consonant to reason, and not contrary to the constitution and laws of this state; and the said by-laws shall be observed, kept and performed, by all the inhabitants of the said town and its precincts, and all persons trading therein, under such reasonable penalties, fines and forfeitures, as shall be imposed by the said by-laws, not exceeding seven pounds ten shillings current money, or twenty dollars; the said penalties, fines or forfeitures, to be levied by distress and sale of the goods, or execution of the person so offending, and applied to the use of the said town.

VII. *And, to defray the expences of the said corporation, Be it enacted*, That it shall be lawful for the said mayor, recorder, aldermen and common council, of the said town, by by-laws made for the purpose, to impose any sum, not exceeding two shillings and six-pence current money in any one year, on every hundred pound of property within the said town.

VIII. *And be it enacted*, That the mayor, recorder and aldermen, of the said town, or any five or more of them, be authorised from time to time, as often as they think it necessary, to cause a correct survey of the said town, and the additions thereto, to be made, and to establish and fix permanent boundaries and stones at such places as they think necessary, with proper marks and devices thereon, to ascertain and perpetuate the true lines of the said town and the additions thereto; and the said mayor, recorder and aldermen, or any five or more of them, be authorized from time to time to survey and ascertain the streets, lanes and alleys, of the said town and the additions thereto, and to declare the same, and to adjudge as nuisances any encroachment thereon; and the said mayor, recorder and aldermen, or any five or more of them, are also authorised and required, on the application and at the expence of the proprietors, or the guardians of infant proprietors, of any lot in the said town or the additions thereto, to survey, alter, amend or lay out anew, any of the streets, lanes and alleys, running through the ground of such proprietors, so as to make the streets, lanes and alleys, throughout every part of the said town and the additions thereto, to correspond and communicate with each other as near as may be; provided that any street, lane or alley, when altered, amended or made anew, shall not run through the ground of any person without his consent.

IX. *And be it enacted*, That the mayor, recorder and aldermen, or any three or more of them, shall hold a court in the said town, to be called The Mayor's Court, and in court they may make proper officers, and settle reasonable fees, not exceeding what are or shall be allowed by law in the county courts of this state.

X. *And be it enacted*, That the mayor, recorder, or any aldermen of the said



town, shall have the same jurisdiction as to debts as any justice of the peace of any county of this state now hath, or shall hereafter have by law, and an appeal shall lie in the same manner from their judgment to the mayor's court, as from the decision of any county justice to the county court, and such appeal shall be regulated, prosecuted and determined, by the said mayor's court, in the same mode as is or shall be directed by law in the case of an appeal from the determination of a single justice to the county court.

XI. *And be it enacted*, That the said mayor's court shall have concurrent jurisdiction with the county court of Montgomery county in all criminal cases, except such as affect life or member, if such crimes or offences be committed within the said town, or the precincts thereof, by any inhabitant thereof, or by any person not a citizen of this state; and any fine, penalty or forfeiture, recovered in the said mayor's court, shall be paid and applied in the same manner as if recovered in the county court of the said county, and the mayor, recorder, and any alderman, shall have jurisdiction touching and concerning any such crime, to arrest and bind over to answer therefor in the said mayor's court.

XII. *And be it enacted*, That the said mayor, recorder, aldermen and common council, or the major part of them, shall have power to appoint an inspector or inspectors of flour for the said town, and to fix his or their allowance; provided that the same shall not exceed three-pence current money per barrel.

XIII. *And be it enacted*, That all that part of Montgomery county lying within one quarter of a mile of the limits of the said town, and the additions thereto, and all that space of water of Patowmack river adjoining the said town on all the shores thereof, and used as the harbour, as far unto the said river as the middle thereof, shall be considered as the precincts of the said town, and within the jurisdiction of the mayor, recorder, aldermen and common council of the said town, and subject to their by-laws and regulations, and within the jurisdiction of the mayor, recorder, or any alderman of the said town, as before mentioned and limited by this act.

XIV. *And be it enacted*, That all property belonging to the commissioners or trustees of George-town shall be and the same is hereby transferred and vested in the mayor, recorder, aldermen, and common council of the said town, and their successors, for ever, for the use and benefit of the said town.

## ACT OF 1798 AMENDING CHARTER

### A Supplement to the Act Entitled "An Act to Incorporate Georgetown, In Montgomery County"

Whereas the citizens of Georgetown have, by their petition to this general assembly, set forth, that they sustain many inconveniences from the want of proper powers in said corporation to pass laws to restrain the mischiefs arising from vagrants, loose and disorderly persons, free negroes, and persons having no visible means of support, and for the want of other powers for the due government of the affairs of the said town; therefore

2. *Be it enacted by the General Assembly of Maryland,* That the mayor, recorder, aldermen, and common council of Georgetown, be, and they are hereby, authorized and empowered to pass, make, and ordain, all laws necessary to take up, fine, imprison, or punish, any and all vagrants, loose and disorderly persons, and persons having no visible means of support, that may be found within the limits or jurisdiction of said town; provided, that they shall not in any case pass, make, or ordain, any law to fine for any one offence a sum exceeding twenty dollars, or imprisonment not exceeding thirty days.

3. *And be it enacted,* That if any person or persons be committed to jail in virtue of this act, and shall not, at the expiration of the time for which he is committed, pay to the sheriff the amount of his fine and prison fees, or give security for the same, it shall and may be lawful for the sheriff, with the consent of the mayor in writing, to sell such person or persons as a servant for any time not exceeding four months, such time to be expressed in writing by the mayor in giving his consent as aforesaid.

4. *And be it enacted,* That so much of the second section of the act to which this is a supplement, as continues the authorities and powers of the common council during good behaviour, be repealed, and that the said common council shall, forever hereafter, be elected to serve for two years only; and an election for a new common council shall be held, in the manner prescribed by the original act, on the first Monday in February, in the year seventeen hundred and ninety-eight, and on the first Monday of February in every year thereafter.

5. *And be it enacted,* That the recorder, aldermen, and common council, may hereafter elect the mayor of said town from their citizens at large, and shall be under no other restriction, except that they shall be confined to a citizen of Georgetown, and the same person may be re-elected as often as the said aldermen and common council may judge it expedient.

6. *And be it enacted,* That the said mayor, recorder, aldermen, and common council, shall have full power and authority to make such by-laws and ordinances for the graduation and leveling of the streets, lanes, and alleys, within the jurisdiction of the same town, as they may judge necessary for the benefit thereof.

7. *And be it enacted,* That the said mayor, recorder, aldermen, and common council, shall have full power and authority to erect wharves on all streets, lanes, and alleys, in said town, for the use of the said town; provided, however, that no building shall be permitted to be erected on front of the said wharves or any of them.

8. And whereas the said corporation claim a right to certain grounds within the limits of said town, and doubts have arisen with respect to the powers of the said corporation to bring ejectments for the same; therefore, *Be it enacted,* That the said mayor, recorder, aldermen, and common council, in their corporate capacity, shall be, and are hereby, authorized and empowered to bring an ejectment or ejectments for all such real estate as they can make a legal title to, and to recover the same for the use of the said town.

9. *And be it enacted*, That to defray the expenses of said corporation, the said mayor, recorder, aldermen, and common council, shall have full power and authority, by ordinance or by law made for that purpose, to impose any sum of money, not exceeding one dollar in any one year, on every hundred pounds of property within the said town, and out of the revenues arising from such taxation to allow the said mayor such annual salary as shall appear to them just and proper.

## **ACT OF 1800 AMENDING CHARTER**

### **An Act to Vest Certain Powers in the Corporation of Georgetown, in Montgomery County**

*Be it enacted by the General Assembly of Maryland*, That the mayor, recorder, aldermen, and common councilmen of the corporation of Georgetown, be, and they are hereby, fully authorized and empowered, by a by-law or by-laws for that purpose ordained, to oblige all persons licensed as ordinary keepers and retailers of spirituous liquors within the jurisdiction of the corporation, to pay, for the use of the corporation, a sum not exceeding five dollars.

2. *And be it enacted*, That the mayor's court of the corporation of Georgetown shall have the sole and exclusive power of granting ordinary and retailers licenses within the jurisdiction of the corporation, and the person or persons obtaining such license shall, at the time of receiving the same, pay to the mayor of the corporation the same sum as is now directed by law to be paid for such license for the use of the state, and such further sum for the use of the corporation, as the corporation may direct by their by-laws as herein before empowered.

3. *And be it enacted*, That the mayor of the corporation of Georgetown, for the time being, shall enter into bond, with security, to the state of Maryland, conditioned, that he shall well and truly pay over to the treasurer of the western shore all sums of money by him received for the use of the state for ordinary and retailer's licenses, in the same manner, and at the same time, as the clerks of the several county courts are by law directed, which bond shall be lodged with the clerk of the general court of the western shore.

4. *And be it enacted*, That the clerk of Montgomery county court be, and he is hereby directed, to deliver to the order of the mayor of the corporation of Georgetown, the book now deposited in his office containing the plan of Georgetown, and that the same be deposited with the clerk of the mayor's court of the corporation of Georgetown.

## **ACT OF 1805 AMENDING CHARTER**

### **An Act to Amend the Charter of Georgetown**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the second Monday in



March current, the corporation of Georgetown, in the district of Columbia, shall be divided into two branches; the first branch to be composed of five members, and a recorder, and to be called "the board of aldermen;" and the second branch to be composed of eleven members, and to be called "the board of common councilmen;" which said two branches shall be elected as hereafter particularly provided.

SEC. 2. *And be it further enacted*, That after the passage of this act, and before the said day above mentioned, the present members of the said corporation shall meet at their usual place of meeting, and then and there choose, by ballot, from their body, five persons to compose the said board of aldermen, which said persons, when chosen as aforesaid, shall compose the said board of aldermen, and be, and continue such, until the fourth Monday in February, one thousand eight hundred and six; and that the present recorder of the said corporation shall be the president of the said board of aldermen until the time last aforesaid: that the other members of the said corporation, (except the mayor,) shall compose the said second branch, called the board of common councilmen, and be and continue such, until the time aforesaid, and shall choose out of their own body a president, to be and continue such until the time aforesaid; and when thus organized, said corporation shall have, exercise, and possess, all the powers and rights now vested in the said corporation, and to be herein and hereby vested in them.

SEC. 3. *And be it further enacted*, That the present mayor of the corporation of Georgetown, shall be, and continue such, until the first Monday of January next.

SEC. 4. *And be it further enacted*, That on the fourth Monday of February next, the free white male citizens of Georgetown, of full age, and having resided within the town aforesaid, twelve months previously, and having paid tax to the corporation, shall assemble at a place to be appointed, as hereafter directed, and then and there shall proceed to elect, by ballot, five fit and proper persons, citizens of the United States, and residents of the said town, one whole year next before the said day of election, above twenty-one years of age, and having paid a tax to said corporation, to compose the said board of aldermen; and shall also, at the same time, proceed as aforesaid, to elect eleven fit and proper persons, having the qualifications last aforesaid, to compose the said board of common council; the said board of aldermen to continue two years, and the said board of common council to continue one year: and the said mayor, together with such other fit persons as shall be named and appointed by the said corporation, shall be judges of the election, and the five persons voted for as aldermen, who shall have the greatest number of legal votes, on the final casting up of the polls, shall be declared duly elected for the board of aldermen: and the eleven persons voted for as common council, who shall have the greatest number of legal votes upon the final casting up of the polls, shall be declared duly elected for the board of common council; and that the like election for aldermen be held on the fourth Monday in February, every two years thereafter; and for the said common council, on the said fourth Monday in February, annually, for ever thereafter.

SEC. 5. *And be it further enacted*, That on the first Monday of January next, and on the same day, annually, for ever thereafter, the said corporation shall, by a joint ballot of the said two branches present, choose some fit and proper person to be mayor of the said corporation, and some fit and proper person, learned in the law, to be the recorder of the said corporation, to continue in office one year.

SEC. 6. *And be it further enacted*, That the said mayor, before he acts as such, and the said recorder, before he acts as such, shall, respectively, make oath, before some justice of the peace, for the county of Washington aforesaid, in the presence of both branches of the said corporation, that he will well and faithfully discharge the several and respective duties of his office; and that each member of the said two branches shall, before he acts as such, in the presence of the corporation, take an oath to discharge the duties and trust reposed in him, with integrity and fidelity.

SEC. 7. *And be it further enacted*, That four members of the board of aldermen, and seven members of the board of common council, shall form a quorum to do business: the said corporation shall hold two sessions in each year; one to commence on the first Monday in March, and the other on the first Monday in December, with power to adjourn from day to day, to be held at such place as the mayor may designate, not otherwise provided for by ordinance: *Provided always*, that the mayor shall have power, on urgent occasions, to convene said corporation, on application of at least five members, in writing, giving reasonable notice of such intended meeting.

SEC. 8. *And be it further enacted*, That each of the said branches shall judge of the elections, qualifications and returns of its own members, and may compel the attendance of the members of each branch by reasonable penalties: and either branch shall have power to appoint their president, pro tempore, in case of the absence of the one duly chosen, as aforesaid. Any ordinance may originate in either branch, and no ordinance shall be passed, but by a majority of both branches, nor unless it shall pass both branches during the same session, and be approved of by the mayor, who shall sign the same, unless he objects thereto, within forty-eight hours from the time the same is presented to him for signature; if he does so object, he shall immediately return the same to the said corporation, with his objections, in writing, and if on reconsideration, two thirds of each branch of the corporation shall be of opinion that the said law ought to be passed, it shall, notwithstanding the objections of the mayor, become a law; and he shall sign the same; if the said mayor shall not return his objections to the same, to the said corporation, within the time aforesaid, it shall become a law, and shall be signed by him; the clerk of the corporation shall record in a book to be kept by him for that purpose, all the laws and resolutions which shall be passed as aforesaid, and deliver a copy of them to the public printer, to be printed by him for the use of the people.

SEC. 9. *And be it further enacted*, That in case the aldermen composing the first branch shall, at any time, on any question before them, be equally divided, the recorder shall have the casting vote, and determine such question to the



same effect as if the same had been determined by a majority of the aldermen present; and similar power is hereby given to the president of the second branch in case of an equal division in that body.

SEC. 10. *And be it further enacted*, That it shall be the duty of the mayor to see that the laws of the corporation be duly executed, and to report the negligence or misconduct of any officer to the said corporation, who on satisfactory proof thereof, may remove from office the said delinquent, or take such other measures thereupon as shall be just and lawful; he shall lay before the said corporation, from time to time, in writing, such alterations in the laws of the said corporation as he shall deem necessary and proper; he shall have and exercise the powers of a justice of the peace in the said town, and shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the said corporation; no person shall be eligible to the said office of mayor unless a citizen of the United States, of the age of thirty years, a resident of the said town for five years then last past, and unless he shall have paid a tax to said corporation.

SEC. 11. *And be it further enacted*, That in case of a vacancy in either branch of the said corporation, by death, removal, or otherwise, of either of the members, a fit person or persons qualified, as aforesaid, shall be elected by the people, in the manner aforesaid, to fill such vacancy immediately thereafter; the mayor giving however at least five days' notice of such election: and in case of the vacancy of the mayor or recorder, the said corporation shall, within five days thereafter, as herein before directed, proceed to the choice of a fit person or persons, qualified, as aforesaid, to fill his or their place.

SEC. 12. *And be it further enacted*, That the said corporation shall have power to impose a tax, not exceeding in any one year, fifty cents in the hundred dollars, on all property within the said town; and the sessions of the said corporation shall be held as heretofore, until the said second Monday in March current; and the said corporation shall have, possess and enjoy, all the rights, immunities, privileges and powers heretofore enjoyed by them; and shall be called by the same name as heretofore, and shall have perpetual succession; and in addition thereto, they shall have power to regulate the inspection of flour and tobacco in said town; to prevent the introduction of contagious diseases within said town and precincts; to establish night watches and patrols, and erect lamps; to regulate the stationing, anchorage and mooring of vessels; to provide for regulating and licensing ordinaries, auctions and retailers of liquors, hackney carriages, wagons, carts and drays within said town and precincts; to restrain or prohibit gambling; to provide for licensing, regulating or restraining theatrical or other public amusements; to regulate and establish markets; to pass all laws for the regulation of weights and measures; to provide for the licensing and regulating the sweeping of chimneys and fixing rates thereof; to establish and regulate fire wards and fire companies; to regulate and establish the size of bricks to be made and used within said town; the inspection of salted provisions, and the assize of bread; to sink wells and erect and repair pumps in the streets; to impose and appropriate fines, penalties and forfeitures for breach of their ordinances; to erect work-



houses; to open, extend, and regulate streets within the limits of the said town; provided they make to the person or persons who may be injured by such opening, extension or regulation just and adequate compensation, to be ascertained by the verdict of an impartial jury, to be summoned and sworn by a justice of the peace of the county of Washington, and to be formed of twenty-three men, who shall proceed in like manner as has been usual in other cases where private property has been condemned for public use; and they shall have the power of restraining, regulating and directing the manner of building wharves and docks; also to direct the manner in which the improvements thereon to be erected, shall be made, so that they may not become injurious to the health of the town; in addition to the power heretofore granted to the said corporation by the act of Congress, intituled "An act additional to, and amendatory of an act, intituled An act concerning the District of Columbia," of laying a tax of two dollars per foot front for paving the streets, lanes and alleys of the said town; they shall have the power upon petition, in writing, of a majority of the holders of the real property fronting on any street or alley, if, in their judgment it shall be deemed necessary, to lay such further and additional sum on each front foot, on said street, or part of a street, as will be sufficient to pave said street or part of a street, lane or alley, so petitioned for; and the like remedy shall be used for the recovery thereof, as is now used for the recovery of the public county taxes in the said county of Washington; and they shall have power by ordinance to direct or order the paved streets to be cleansed and kept clean, and appoint an officer for that purpose; to make and keep in repair all necessary sewers and drains, and to pass regulations necessary for the preservation of the same.

SEC. 13. *And be it further enacted*, That the duties on all licenses to be granted as aforesaid, shall be to and for the proper use and benefit of the said corporation; and the said corporation shall have power to pass all laws not inconsistent with the laws of the United States, which may be necessary to give effect and operation to all the powers vested in the said corporation; and to appoint constables and collectors of the taxes, and all other officers who may be deemed necessary for the execution of their laws, whose duties and powers shall be prescribed in such manner as the said corporation shall deem fit for the purpose aforesaid.

SEC. 14. *And be it further enacted*, That the jurisdiction of the said corporation shall extend to the limits of the original plan of said town, and to such additions as are recognized by law; and that a survey as soon as conveniently may be after the passage of this law, shall be made, under the direction of the said corporation, ascertaining said limits, and a plat thereof made and returned to said corporation, which, when approved of by them, shall be preserved, and become a record.

## ACT OF 1809 AMENDING CHARTER

### An Act Supplementary to the Act Entitled "An Act to Amend the Charter of Georgetown"

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following shall, and are hereby declared to be the limits of Georgetown, in the district of Columbia, any law or regulation to the contrary notwithstanding, that is to say: beginning in the middle of College street, as laid down and designated in Fenwick's map of the said town, at or near to the bank of the river Potomac; thence by a straight line drawn northerly through the middle of said street to the middle of First street; thence by a line drawn through the middle of First street to a point directly opposite to the termination of the eastern line of the lots now enclosed as the property of the college; thence northerly by the eastern line of said enclosure as far as the same extends; thence in the same northerly direction to the middle of Fourth street; thence eastwardly by a line drawn along the middle of Fourth street to a point at the distance of one hundred and twenty feet westward from the west side of Fayette street; thence northerly by a line drawn parallel to Fayette street at the said distance of one hundred and twenty feet westward from the west side thereof, until it intersects a boundary line of Beatty and Hawkins' addition to Georgetown; thence westwardly by said boundary line as far as it extends; thence by the courses and distances of the several other boundary lines of Beatty and Hawkins' addition aforesaid, that is to say; westwardly, northwardly, eastwardly and southwardly, to a point opposite to the middle of Road street, and opposite or nearly opposite to the middle of Eighth street; thence eastwardly by a line drawn through the middle of Road street, as it now runs, and as far as it extends; thence eastwardly by a line drawn parallel to Back street, and continued in the same direction to the middle of Rock creek; thence by the middle of the same creek and the middle of the Potomac river to a point directly opposite to the middle of College street aforesaid; thence to the place of beginning.

SEC. 2. *And be it further enacted,* That the corporation of Georgetown be, and they are hereby authorized and directed to cause a complete and accurate survey to be made of the said town agreeably to the courses and limits prescribed in the preceding section of this act, and to establish and fix, from time to time, permanent boundaries at such places as they may deem necessary and proper for perpetuating the boundaries of the said town, and after the said survey shall have been so made, and approved by the corporation, the same shall be admitted to record in the clerk's office for the County of Washington in the district of Columbia.

SEC. 3. *And be it further enacted,* That all the rights, powers and privileges heretofore granted to the said corporation by the general assembly of Maryland, and by the act to which this is a supplement, and which are at this time claimed and exercised by them, shall be and remain in full force and effect, and may and shall be exercised and enjoyed by them within the bounds and limits set forth and described in the first section of this act.



SEC. 4. *And be it further enacted*, That the said corporation shall have power to lay out, open, extend and regulate streets, lanes and alleys, within the limits of the town, as before described, under the following regulations, that is to say: the mayor of the town shall summon twelve freeholders, inhabitants of the town, not directly interested in the premises, who, being first sworn to assess and value what damages would be sustained by any person or persons by reason of the opening or extending any street, lane or alley, (taking all benefits and inconveniences into consideration) shall proceed to assess what damages would be sustained by any person or persons whomsoever, by reason of such opening or extension of the street, and shall also declare to what amount in money each individual benefited thereby shall contribute and pay towards compensating the person or persons injured by reason of such opening and extension; and the names of the person or persons so benefited, and the sums which they shall respectively be obliged to pay, shall be returned under their hands and seals to the clerk of the corporation, to be filed and kept in his office; and the person or persons benefited by opening or extending any street, and assessed as aforesaid, shall respectively pay the sums of money so charged and assessed to them, with interest thereon at the rate of six per cent. per annum, from the time limited for the payment thereof until paid; and the sums of money assessed and charged in manner aforesaid to each individual benefited in manner aforesaid, shall be a lien upon and bind all the property so benefited to the full amount thereof: *Provided always*, that no street, lane, or alley, shall be laid out, opened or extended, until the damages assessed to individuals in consequence thereof shall have been paid, or secured to be paid: *And provided also*, that nothing in this act contained shall be so construed or understood as to authorize the corporation of Georgetown to locate, lay out, or open any street, lane, alley or other way, through any of the squares or lots situated in that part of Thomas Beall's second addition to Georgetown, which lies north of Back street, without the consent and permission of the owner or proprietor of such square or lot, first had and obtained in writing, which consent and permission shall be acknowledged in the presence of, and such acknowledgment certified by the mayor of the town aforesaid, or some justice of the peace for the county of Washington.

SEC. 5. *And be it further enacted*, That the recorder of the corporation shall be, and he is hereby declared to be a member of the board of aldermen, to all intents and purposes whatsoever.

## ACT OF 1826 EXTENDING THE LIMITS OF GEORGETOWN

### An Act to Extend the Limits Of Georgetown, in the District Of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, in addition to the limits prescribed by an act supplementary to an act, entitled "An act to amend the charter of Georgetown," approved third of March, eighteen hundred and nine, the said



limits between Seventh and Eighth streets shall be further extended, so as to extend westwardly, from Fayette street, three hundred feet.

## ACT OF 1826 AMENDING CHARTER

### An Act Further to Amend the Charter of Georgetown, in the District Of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the levy court of Washington county, in the District of Columbia, shall not possess the power of assessing any tax on real or personal property within the limits of the corporation of Georgetown, nor shall the corporation of the said town be obliged to contribute in any manner towards the expenses or expenditures of said court, except for the one fourth part of the expenses incurred on account of the orphans' court, the office of coroner, the jail of said county, and one half of the expenses for the opening and repairing of roads in the county of Washington, west of Rock Creek, and leading to Georgetown: *Provided, always,* That nothing herein contained shall be construed to prevent the said court, or the collector by them appointed, from collecting all taxes which have been levied by the said court on real and personal property within the limits of Georgetown, before the passage of this act, and of appropriating the same according to present existing laws; but that it shall be the duty of the said court, and they are hereby authorized and directed to use all the powers with which they are now invested, for collecting the said tax: *And provided further,* That all laws now in force, which make it the duty of the said court to provide for the support of the poor residing within the limits of Georgetown, be, and the same are hereby, repealed, and that henceforth it shall be the duty of said court to provide for the support of such only of the poor of the county as reside out of the limits of Washington and Georgetown.

SEC. 2. *And be it further enacted,* That the said corporation may, for the general purposes mentioned in the charter of said town, and for the support of the poor annually, lay a tax on all real and personal property within the limits of Georgetown, not exceeding seventy cents in the hundred dollars, any law to the contrary notwithstanding.

SEC. 3. *And be it further enacted,* That this act shall commence and be in force from and after the passage thereof.

## ACT OF 1830 AMENDING CHARTER

### An Act to Amend the Charter of Georgetown

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That public notice of the time and place of sale of any real property chargeable with taxes in Georgetown, in all cases hereafter, shall be given once in each week, for twelve successive weeks, in some one newspaper in the County of Washington, in which shall be stated the

number of the lot or lots, or parts thereof intended to be sold, and the value of the assessment, and the amount of the taxes due and owing thereon; and that so much of the seventh section of an act of Congress, approved May twenty-sixth, one thousand eight hundred and twenty-four, as requires said notice to be given in the National Intelligencer, and in a newspaper in Alexandria, be, and the same is hereby repealed: *Provided*, That nothing in this act shall change the manner of giving notice of the sales of property owned by the persons not residing in the District of Columbia.

SEC. 2. *And be it further enacted*, That on the fourth Monday of February next, and on the same day biennially thereafter, the citizens of Georgetown, qualified to vote for Members of the two Boards of the Corporation of said Town, shall, by ballot, elect some fit and proper person having the qualifications now required by law to be Mayor of the Corporation of Georgetown, to continue in Office two years, and until a successor is duly elected, and the person having at said election, which shall be conducted by Judges of election appointed by the Corporation, the greatest number of legal votes, shall be declared duly elected; and in the event of an equal number of votes being given to two or more candidates, the two Boards in joint meeting by ballot, shall elect the Mayor from the persons having such equal number of votes.

SEC. 3. *And be it further enacted*, That in the event of the death or resignation of the Mayor, or his inability to discharge the duties of his office, the two Boards of the Corporation, in Joint meeting, by ballot, shall elect some fit person to fill the Office until the next regular election.

SEC. 4. *And be it further enacted*, That the present Mayor of Georgetown shall continue to fill the office of Mayor until the fourth Monday of February next.

SEC. 5. *And be it further enacted*, That, so much of the present Charter of Georgetown, as is inconsistent with the provisions of this act, be, and the same is hereby repealed.

## ACT OF 1832 EXTENDING THE LIMITS OF GEORGETOWN

### An Act to Extend the Limits of Georgetown, in the District of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the limits of Georgetown, in the District of Columbia, be, and they are hereby extended, so as to include the part of a tract of land called "Pretty Prospect," recently purchased by the corporation of the said town, as a site for their poor's-house; beginning, for the said piece of ground, at a stone marked number four, extending at the end of four hundred and seventy-six poles of the first line of a tract of land, called the "Rock of Dumbarton;" said stone also standing on the western boundary line of lot numbered two hundred and sixty, of Beatty and Hawkins' addition to said

town; and running thence, north, seventy-eight degrees, east thirty-eight poles; south eighty degrees, east three poles; south eighteen poles, south twelve degrees, east nine poles; south eleven degrees, west twelve poles; south seventy-two degrees, west twenty-three poles, to the said first line of the "Rock of Dumbarton", thence, with said line, to the beginning.

SEC. 2. *And be it further enacted*, That all the rights, powers, and privileges, heretofore granted by law to the said corporation, and which are at this time claimed and exercised by them, may and shall be exercised and enjoyed by them, within the bounds and limits set forth and described in the first section of this act.

## **ACT OF 1842 EXTENDING THE LIMITS OF GEORGETOWN**

### **An Act to Extend the Jurisdiction of the Corporation of Georgetown**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the jurisdiction of the corporation of Georgetown is hereby extended so as to include the bridge lately constructed by the said corporation across the river Potomac, at the Little Falls, and the site of the said bridge and premises appertaining to said site; and that, as often and as long as said bridge shall hereafter, from any cause, be impassable, it shall and may be lawful for the proprietors of land on both sides of the said river, through which the ferry road to connect with the Falls Bridge turnpike must necessarily pass, and they are hereby authorized and empowered to establish and keep a ferry, at any rate of ferriage not exceeding the tolls which the Georgetown Bridge Company were heretofore authorized to charge on their bridge.

SEC. 2. *And be it further enacted*, That said Corporation of Georgetown, in addition to its present chartered powers, shall have full power and authority to provide for licensing, taxing, and regulating, within its corporate limits, all traders, retailers, pawnbrokers, and to tax venders of lottery tickets, money changers, hawkers and pedlers.

## **ACT OF 1855 AMENDING CHARTER**

### **An Act Authorizing the Corporate Authorities Of Georgetown to Impose Additional Taxes, And for Other Purposes**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the mayor, recorder, aldermen, and common council, of Georgetown, be, and they are hereby, authorized and empowered to lay and collect a special annual tax of seventy-five cents, or so much thereof as may be necessary, upon every hundred dollars of property by law now taxable within the corporate limits of said town, and all money vested or held in any banking, insurance, brokerage, or exchange company or



institution, upon all State or corporation stocks, and money loaned at interest on bond, mortgage, or other evidence of indebtedness, in order to meet the engagements recently assumed by said town in subscribing to the stock of the Metropolitan Railroad Company; and to pledge the same to secure the said engagements, in such a manner that no part of the same shall in any event be applied to any other object; and the like remedy shall be used for the recovery thereof as is now used for the recovery of other public taxes in said town.

SEC. 2. *And be it further enacted*, That the said corporation of Georgetown shall have full power and authority to introduce into said town a supply of water for the use of the inhabitants thereof; and to cause the streets, lanes, and alleys, or any of them, or any portion of any of them, to be lighted by gas or otherwise; and to provide for the expense of any such works or improvements, either by a special tax or out of its corporate funds generally, or both, at its discretion.

## ACT OF 1856 AMENDING CHARTER

### An Act to Amend the Charter of Georgetown, In the District of Columbia

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Corporation of Georgetown, in the District of Columbia, shall have full power and authority to lay and impose the present year and annually thereafter, a school tax upon every free white male citizen, of the age of twenty-one years and upwards, of one dollar per annum; said tax to be levied and collected under such regulations as the said corporation may prescribe.

SEC. 2. *And be it further enacted*, That from and after the passage of this act, every free white male citizen of the United States, who shall have attained the age of twenty-one years, and shall have resided within the corporate limits of Georgetown, in the District aforesaid, one year immediately preceding the day of election, and shall have been returned on the books of the corporation during the year ending on the thirty-first day of December next preceding the day of election, as subject to a school tax for that year, (except persons *non compos mentis*, vagrants, paupers, and persons who shall have been convicted of any infamous crime,) and who shall have paid the school taxes due from him, shall be entitled to vote for mayor, members of the board of aldermen and board of common council and for every officer authorized to be elected at any election under the acts of said corporation: *Provided*, That if, during the year ending on the thirty-first day of December next preceding the day of the first election after the passage of this act, no person shall have been returned on the books of the said corporation as subject to a school tax, then all persons who shall have been returned on the books of the said corporation as subject to a school tax before the day of the said first election, and who shall in all other respects be qualified under this act to vote, and who shall have paid the said school tax, shall be entitled to vote at the said first election after the passage of this act; and if any person shall buy or sell a vote, or shall vote more than once at any

corporation election, held in pursuance of law, or shall give or receive any consideration therefor in money, goods, or any other thing of value, or shall promise any valuable consideration, or vote in consideration of such promise, he shall be disqualified forever thereafter from voting or holding any office under said corporation; and on complaint thereof to the attorney of the United States for the District of Columbia, it shall be the duty of said attorney to proceed against said offender or offenders by indictment and trial, as in other criminal cases; and if found guilty it shall be the duty of the court to sentence him to pay a fine of not less than ten dollars, and to imprisonment not more than two months, nor less than ten days.

SEC. 3. *And be it further enacted*, That it shall be the duty of the clerk of said corporation, on the presentation of the corporation tax collector's receipt showing that the applicant has paid his school tax for that year, to enter the name of such school tax payer on the books of said corporation, and to furnish the judges of elections to be held under the laws of said corporation at each precinct, before or on the morning of any election, before the hour for opening the polls, with a list of the names of all persons who shall have paid their school taxes for that year.

SEC. 4. *And be it further enacted*, That the school tax which shall be levied and collected under this act shall constitute a fund, or be added to any other fund now or hereafter to be constituted by any act of said corporation for the establishment and support of common schools, and for no other purpose, under such regulations as the corporation may prescribe.

SEC. 5. *And be it further enacted*, That it shall be the duty of said corporation to provide or establish at least two election precincts within the limits of the corporation of Georgetown, and to appoint not less than three judges of election for each precinct, and to adopt such other regulations as may be necessary to give full force and effect to this section.

SEC. 6. *And be it further enacted*, That all acts or parts of acts in conflict with this act be and the same are hereby repealed.

## ACT OF 1862 AMENDING CHARTER

### **An Act to Authorize the Corporation of Georgetown, In the District of Columbia, to Lay and Collect A Water Tax, and for Other Purposes**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Mayor, Recorder, Aldermen, and Common Council of Georgetown, in the District of Columbia, shall have full power and authority to levy and collect a tax not exceeding sixty cents per front foot on all lots and parts of lots within said corporate limits in front of or parallel to which water mains have been or may hereafter be laid; or, in their discretion, to appropriate from the corporate funds generally so much money as may be necessary to supply the inhabitants of said town with Potomac water from the aqueduct mains or pipes now laid or to be laid in the streets of said



town by the United States; and to make all laws and regulations for the proper distribution of the same, subject to the restrictions prescribed by this act, and the act approved March the third, eighteen hundred and fifty-nine, and entitled "An act to provide for the care and preservation of the works constructed by the United States for bringing the Potomac water into the cities of Washington and Georgetown, for the supply of said water for all Government purposes, and for the uses and benefits of the inhabitants of said cities."

SEC. 2. *And it further enacted*, That said Corporation shall have full power and authority to collect such taxes, when so fixed, in advance or otherwise, through such agents, collectors, or commissioners, as they may designate and appoint; and upon the failure of any owner of said lot or lots, or part thereof, to pay said taxes, to sell the same; or to stop the supply of water to the same, or to distrain and sell the personal effects of such owner, and in the case of any sale the same proceedings shall be observed as are adopted in enforcing the collection of the general tax of said town; and generally to enact such laws as may be necessary to furnish the inhabitants of said town with pure and wholesome water, and to carry into complete effect the powers herein granted: *Provided*, That the taxes levied by virtue of this act shall never be a source of revenue other than as a means of supplying said town with water.

SEC. 3. *And be it further enacted*, That in levying said front foot tax, said Corporation shall, in all cases where a lot or lots, or part thereof, may be situated at the intersection of two streets and fronting on the same, so reduce and graduate the tax thereon as not to exceed in all a tax upon one hundred feet front; and shall, in all cases where said property may have a front on any one or more streets, of more than one hundred feet, so reduce and graduate the tax thereon as not to exceed a tax upon one hundred feet front.

SEC. 4. *And be it further enacted*, That all ordinances and resolutions or parts thereof relating to the distribution of Potomac water through said town, and the collection of a water tax, and the ordinances and resolutions heretofore passed by said Corporation particularly mentioned in this section, be and the same are hereby ratified and confirmed, said ordinances and resolutions being described and identified as follows, to wit: A resolution approved April the twenty-third, eighteen hundred and fifty-nine, entitled "A resolution authorizing the tapping of water mains;" a resolution approved May the seventh, eighteen hundred and fifty-nine, entitled "A resolution authorizing the laying of a water main up High street," an ordinance approved May the ninth, eighteen hundred and fifty-nine, entitled "An ordinance authorizing the distribution of the Potomac water through the city of Georgetown;" a resolution approved May the fourteenth, eighteen hundred and fifty-nine, entitled "A supplement repealing a part of a resolution for laying a water main up High street;" an ordinance approved July the second, eighteen hundred and fifty-nine, entitled "A supplement to an ordinance authorizing the distribution of the Potomac water through the city of Georgetown, approved May the ninth, eighteen hundred and fifty-nine;" a resolution approved July the second, eighteen hundred and fifty-nine, entitled "A resolution approving of certain contracts for distributing water through town;" a resolution approved August



the twentieth, eighteen hundred and fifty-nine, entitled "A resolution in relation to the water distribution;" a resolution approved September the seventeenth, eighteen hundred and fifty-nine, entitled "A resolution authorizing the water board to purchase water pipes;" a resolution approved September the seventeenth, eighteen hundred and fifty-nine, entitled "A resolution in relation to water distribution;" a resolution approved September the twenty-fourth, eighteen hundred and fifty-nine, entitled "A resolution supplementary to a resolution, entitled 'A resolution in relation to the water distribution, approved August the twentieth, eighteen hundred and fifty-nine;'" a resolution approved September the twenty-fourth, eighteen hundred and fifty-nine, entitled "A resolution in relation to the redemption of water stock;" a resolution approved October twenty-ninth, eighteen hundred and fifty-nine, entitled "A resolution in relation to water mains;" a resolution approved November the fifth, eighteen hundred and fifty-nine, entitled "A resolution approving the contract for patent water-pipes for Road street;" a resolution approved November the nineteenth, eighteen hundred and fifty-nine, entitled "A resolution repealing a portion of the resolution approved April the twenty-third, eighteen hundred and fifty-nine, in relation to tapping water-mains."

SEC. 5. *And be it further enacted*, That in case of a failure to pay any taxes whatever laid by said corporation by virtue of its vested powers, it shall be lawful to sell, in the discretion of the collector or other proper officer, either the real or personal estate, or both, of the delinquent taxpayer; and so much of the eighth section of the act approved May the twenty-sixth eighteen hundred and twenty-four, entitled "An act supplementary to the act 'to incorporate the inhabitants of the city of Washington' passed the fifteenth of May, one thousand eight hundred and twenty, and for other purposes," as is in the following words, viz: "*Provided*, That no sale of real estate shall be made but where the owner or tenant of the property has not sufficient personal estate out of which to enforce a collection of the debt due," be and the same is hereby repealed.

SEC. 6. *And be it further enacted*, That the person or persons appointed to collect any taxes imposed by said corporation in pursuance of its vested powers shall have authority to collect the same by distress and sale of the goods and chattels of the person chargeable therewith, but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the District of Columbia, aforesaid; and the provisions of the acts of Maryland now in force within said District relating to the right of replevying personal property taken in execution for public taxes shall apply to all cases of personal property taken by distress to satisfy taxes imposed by virtue of the corporation powers aforesaid.

SEC. 7. *And be it further enacted*, That said corporation shall have power and authority to repair any of the footways of the streets in said town, and to impose and collect such tax or taxes on the lot or lots, or parts thereof, adjoining the same, as may be necessary to pay the expense of such repairs.

SEC. 8. *And be further enacted*, That so much of the first section of the act approved May thirty-one, eighteen hundred and thirty, entitled "An act to

amend the charter of Georgetown,” as is in the following words, viz: “*Provided*, That nothing in this act shall change the manner of giving notice of the sales of property owned by persons not residing in the District of Columbia,” be and the same is hereby repealed.

## **ACT OF 1895 CHANGING NAME OF GEORGETOWN**

### **An Act Changing the Name of Georgetown, in the District Of Columbia, and for Other Purposes**

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That from and after the passage of this act all that part of the District of Columbia embraced within the bounds and now constituting the city of Georgetown, as referred to in said acts of February twenty-first, eighteen hundred and seventy-one and June twentieth, eighteen hundred and seventy-four, shall no longer be known by the name and title in law of the city of Georgetown but the same shall be known as and shall constitute a part of the city of Washington, the Federal Capital; and all general laws, ordinances, and regulations of the city of Washington be, and the same are hereby, extended and made applicable to that part of the District of Columbia formerly known as the city of Georgetown; and all general laws, regulations, and ordinances of the city of Georgetown be, and the same are hereby, repealed; that the title and existence of said Georgetown as a separate and independent city by law is hereby abolished, and that the Commissioners of the District of Columbia be, and they are hereby, directed to cause the nomenclature of the streets and avenues of Georgetown to conform to those of Washington so far as practicable. And the said Commissioners are also directed to have the squares in Georgetown renumbered, so that no square shall hereafter bear a like number to any square in the city of Washington: *Provided*, That nothing in this Act shall operate to affect or repeal existing law making Georgetown a port of entry, except as to its name.





# CONSTITUTION OF THE STATE OF NEW COLUMBIA

(Ratified 1982)

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## PREAMBLE

We, the people of the free and sovereign State of New Columbia, seek to secure and provide for each person: health, safety and welfare; a peaceful and orderly life; and the right to legal, social, and economic justice and equality.

We recognize our unique and special history and the diversity and pluralism of our people, and we have determined to control our collective destiny, maximize our individual freedom, and govern ourselves democratically, guaranteeing to each individual and the people collectively, complete and equal exercise and protection of the rights listed herein.

We reach out to all the peoples of the world in a spirit of friendship and cooperation, certain that together we can build a future of peace and harmony.

Therefore, being mindful that government exists to serve every person, we do adopt this Constitution and establish this government.

## ARTICLE I

### BILL OF RIGHTS

#### Section 1. Freedom of Association, Assembly, Expression, and Petition

Freedom of association, assembly, press, speech, and other forms of expression, and petition for redress of grievances shall not be abridged.

#### Section 2. Freedom of Religion

The State shall establish no religion nor interfere with the free exercise thereof. No person shall be denied any right or privilege because of religious belief or the exercise thereof.

#### Section 3. Freedom from Discrimination

Every person shall have a fundamental right to the equal protection of the law and to be free from historic group discrimination, public or private, based on race, color, religion, creed, citizenship, national origin, sex, sexual orientation, poverty, or parentage. Affirmative action to correct consequences of past discrimination against women, and against racial and national minorities, shall be lawful.

Persons with disabilities shall have the right to be treated as equal community members and the right to services as defined by law provided in a way that promotes dignity and independence and full community participation.

Youth and seniors shall have the right to the enjoyment of health and well-being and to the services as provided by law necessary for their development and welfare. No adult shall be discriminated against in housing or employment on the basis of age, except that services limited to senior citizens may be provided.

It shall be unlawful to commit or incite acts of violence against persons or property based on race, color, religion, creed, national origin, sex, or sexual orientation.

Equality of rights under the law shall not be denied or abridged in the State or any of its subdivisions because of sex.

This section shall be self-executing and shall be enforced by appropriate legislation.

#### Section 4. Privacy

The right of the individual to decide whether to procreate or to bear a child is inviolable, as is the right to noncommercial private, consensual, sexual behavior of adults. Those who exercise or advocate these rights have, in addition, the right to be free from all forms of discrimination.



Political surveillance is contrary to democratic principles. Therefore, unless relevant for prosecution of past, present, or imminent crime, information on any person's exercise of freedom of religion, expression, association, assembly, or petition for redress of grievances, shall not be collected surreptitiously under color of law.

Individual privacy with respect to personal bank accounts, health, academic, employment, communications, and similar records, the disclosure of which would constitute an invasion of the privacy of the individual concerned, is a right, the protection of which shall be provided by law. However, the name, salary, and place of employment of each employee of the State and of any of its agencies or local government units is a matter of public record and shall be available to the public.

#### Section 5. Due Process

The State shall not deprive any person of life, liberty, or property without due process of law. The right of all persons to fair and just treatment in the course of legislative and executive investigations shall not be abridged.

#### Section 6. Searches and Seizures

Privacy is a fundamental right. Therefore, the people shall be free from unreasonable searches and seizures of their persons, homes, businesses, vehicles, papers, and effects. This right extends to all places and for all circumstances in which the individual has a reasonable expectation of privacy. The fruits of unlawful intrusions, including intrusions by private persons, shall not be used by the State for any purpose in any judicial or administrative proceeding against any individual, whether or not the individual was the target of an unlawful search or seizure, and whether or not the expectation of privacy of that individual was violated.

No search will ensue except under the authority of a valid warrant issued by a judicial officer; such warrant shall be issued only upon probable cause and must be supported by oath or affirmation describing with particularity the place to be searched and the persons or items to be seized. This Section does not preclude warrantless searches or seizures in the following circumstances: searches incident to a valid arrest; exigent circumstances under which officials conducting the search or seizure have no time to secure a warrant; inadvertent discovery of illegal material pursuant to the execution of a valid search warrant; searches and seizures conducted at international borders or their functional equivalent; administrative searches of pervasively regulated businesses pursuant to a general plan; and searches upon the consent of the individual who is the subject of the search or seizure, provided that the individual had been fully informed of the right to withhold consent, and no other exception to this Section is present. The official conducting the search bears the burden of proving fully informed consent.

The right to be secure against unreasonable interception of telephonic, telegraphic, electronic, and other forms of communication and against unreasonable interception of oral and other communications by electronic methods

shall not be violated. No such interception shall occur except following issuance of a warrant. No orders or warrants for such interceptions shall be issued but upon probable cause supported by oath or affirmation that evidence of crime may be thus obtained, and particularly identifying the means of communication and the person or persons whose communications are to be intercepted. Evidence obtained in violation of this paragraph shall not be admissible in any court against any person.

#### Section 7. Rights of Arrestees and Defendants

In all criminal matters, all persons have the right to the assistance of competent counsel from commencement of a custodial interrogation, during trial and appeal, and whenever they are subject to a deprivation of liberty. When arrested they shall be informed of their right to consult with counsel. Persons charged with a crime have the right to receive an explicit statement of the nature and cause of the accusation, to the discovery of all evidence possessed by the State, and to the presumption of innocence until proven guilty beyond a reasonable doubt. Convicted persons shall have the right to judicial review.

#### Section 8. Grand Jury

All persons have the right to be free from unwarranted or arbitrary prosecutions. The grand jury shall not engage in fishing expeditions. Grand jury indictments are required for all offenses carrying authorized prison sentences of one year or more. Grand jurors shall be drawn from a cross-section of the community. All grand jury witnesses shall have the right to assistance and presence of counsel, to be informed of the privilege against self-incrimination, and to be advised if they are, or may become, targets of prosecution. Criminal defendants are entitled to grand jury transcripts in a timely fashion.

The grand jury shall appoint and the State shall pay non-governmental counsel for independent advice. Indictments shall be issued only on probable cause and shall, upon motion, be dismissed for violations of this Section.

The House of Delegates shall determine the manner of grand jury selection and operation.

#### Section 9. Bail

The sole purpose of bail is to assure the presence of the accused at trial. Bail shall not be excessive and may take the form of a cash or property guarantee.

#### Section 10. Trial by Jury

Every person accused of a criminal offense is guaranteed the right to: a speedy, public, and fair trial; compulsory attendance of witnesses; confrontation with adversary witnesses; and trial by a jury of 12 persons. Conviction may be based only upon a unanimous jury verdict finding the accused guilty beyond a reasonable doubt.

#### Section 11. Punishment

The State shall not require excessive fines, nor impose cruel, corporal, or unusual punishment, or sentence of death. Penal administration shall be based upon the principle of reformation with the objective of restoring the offender to a useful role in community life. Convicted persons shall not be denied any rights specified in this Constitution except as shall be reasonably necessary for the security of a penal institution or the State and its citizens.

#### Section 12. Imprisonment for Debt

No person shall be imprisoned for inability to pay a debt.

#### Section 13. Double Jeopardy

No person shall be tried more than once for the same offense; further, the State shall try in a single trial all charges, actual and potential, arising from the same facts and circumstances. Trial of a person for an offense in any jurisdiction of the United States and subsequent trial under the jurisdiction of the State for the same offense based on the same set of facts and circumstances shall constitute double jeopardy under this Section.

#### Section 14. Bills of Attainder and Ex Post Facto Laws

Bills of attainder and ex post facto laws are prohibited.

#### Section 15. Habeas Corpus

The writ of habeas corpus shall be available promptly at all times, successively, and without limit in all cases of unlawful detention, conviction, or sentencing, whether or not the petitioner is in custody.

#### Section 16. Abolition of Common Law Criminal Offenses

Every crime shall be defined with specificity in a statute enacted by the House of Delegates, and no person shall be accused, arrested, tried, or convicted for any act not expressly defined as an offense by such statute. This Section shall take effect after the expiration of a time period to be specified by law.

#### Section 17. Abolition of Sovereign Immunity

Unless otherwise provided in this Constitution, the State and any of its subordinate levels of government, and any branch, agency and office thereof, and any officer or agent thereof in both official and personal capacity, shall be amenable to suit and liability in the courts of this State or of the United States, with respect to official acts both of commission and omission, including the failure, inability, or refusal by law enforcement agencies of the State to provide reasonable protection to individuals from crimes of violence; except that, no judge of any court may be sued with respect to a decision rendered in any case, but may be questioned and required to testify as to issuance of any warrant.



Section 18. Slavery and Involuntary Servitude

Slavery and involuntary servitude are prohibited.

Section 19. Civil Suits

The right to a jury trial in a civil suit shall remain inviolate. The House of Delegates shall assure access to courts for those litigants unable to pay. Court costs shall not be required of any litigant unable to pay.

Section 20. Right to Employment

Every person shall have the right to employment, or if unable to work, an income sufficient to meet basic human needs.

Section 21. Equal Pay

All employees shall be guaranteed equal pay for equal work and equal pay for comparable work.

Section 22. The Right to Change

The State with its institutions belongs to the people who inhabit it. Whenever a government fails to serve its people, they may exercise their inalienable right to alter, reform, or abolish it.

Section 23. Unenumerated Rights

The enumeration in this Constitution of certain rights possessed by the individual or limitations upon the government shall not be construed to disparage nor deny other rights or limitations not enumerated.

Section 24. Self-Execution

All Sections of this Article shall be self-executing.

ARTICLE II

THE LEGISLATIVE BRANCH

Section 1. Legislative Power

The legislative power of the State shall be vested in the legislature, which shall be called the House of Delegates.

Section 2. Composition of the House of Delegates

The House of Delegates shall have one chamber composed of 40 members who are elected from single-member legislative districts. By majority vote of the Delegates present and voting, the House of Delegates shall elect a President from among its members.

### Section 3. Qualifications of Members

A candidate for the House of Delegates must be a citizen of the United States. To become a Delegate, a candidate must receive the highest number of votes on the designated day of election from the qualified voters of the legislative district.

A Delegate must be at least 18 years old, a resident of the State for at least three years, a resident of the legislative district for at least 18 months, and a registered voter of that district. Every Delegate must reside in the legislative district while in office.

### Section 4. Disqualifications

While in office, no appointed or elected Delegate may hold any other federal or state elected or appointed public office, position of profit, or employment. During the term of office, no member shall be elected or appointed to any public office or employment which shall have been created, or the salary or benefits of which shall have been increased, by legislative act during such term. This Section does not apply to Delegates seeking re-election, or election to a constitutional convention.

### Section 5. Term in Office

A Delegate shall be elected for a four-year term.

### Section 6. Time of Election

In general elections, half the Delegates will be elected in every even-numbered year. Following their election, winning candidates shall assume office on the second Monday of January.

### Section 7. Vacancies

Legislative vacancies shall be filled as provided by law.

### Section 8. Compensation of Members

The members of the House of Delegates shall receive annual salaries and such allowances as may be prescribed by law. However, any increase or decrease in salary or allowances shall not apply to a Delegate serving in the House of Delegates which enacted the increase or decrease until the re-election of that Delegate.

The Governor shall appoint, subject to the advice and consent of the House of Delegates, members of a five-member commission. Every four years, this commission shall report to the public the level of legislative compensation that is appropriate, taking into account comparable compensation in the public and private sectors. The members of the commission shall hold no other public office. Procedures for the establishment and operation of the commission shall be established by law.

## Section 9. Sessions

The House of Delegates shall be a continuing body during the term for which Delegates are elected; however, all unapproved pending bills shall expire automatically on the second Monday in January of each odd-numbered year. The House of Delegates shall meet in regular sessions annually, as provided by law. It may also be convened by the Governor, subject to the conditions of Article III, or by the President of the House of Delegates at the written request of a majority of all Delegates.

Adequate advance notice of all meetings of the House of Delegates and of its committees shall be published. The notice shall include the agenda. All meetings of the House of Delegates and of its committees shall be open to the public, to the press, and to radio and television coverage. However, meetings involving confidential discussions of specific staff personnel may be closed by a two-thirds vote of the House of Delegates or the committee.

## Section 10. Organization and Procedure

The courts shall be the final judge of the election and qualifications of Delegates. The House of Delegates shall prescribe its rules of procedure which shall be consistent with this Constitution. It may compel the attendance of absent members, discipline its members, and, with the concurrence of two-thirds of all members, expel a member for cause. It shall have power to compel the attendance and testimony of witnesses and the production of books and papers either before the House of Delegates as a whole or before any of its committees.

## Section 11. Legislative Immunity

For any speech or debate in the House of Delegates, Delegates shall not be questioned in any other place.

## Section 12. Transaction of Business

A majority of all Delegates shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members. The House of Delegates and its committees shall keep journals of proceedings. Each journal shall be available to the public and shall also be promptly published. The journal shall contain all motions made and the votes on those motions. A record vote, with the yeas and nays entered into the journal, shall be taken in the House of Delegates on any vote deciding final passage or defeat of a bill, on any vote to defer consideration of a question indefinitely, and on any vote on the demand of four members. In committee, upon demand of any member, or on any vote deciding final approval of a report, the yeas and nays shall be recorded and entered into the journal.

A verbatim or electronically produced record of proceedings of the House of Delegates and of standing committees shall be made available to the public on request.



### Section 13. Committees

The House of Delegates may establish committees necessary for the conduct of its business.

### Section 14. Bills

The House of Delegates shall enact no law except by bill. The subject of every law shall be clearly expressed in its title. Each law shall have an enacting clause as follows: "Be it enacted by the people of the State of New Columbia." No bill embracing more than one subject shall be passed except appropriation bills which shall include only appropriations and bills for the codification or revision of the laws. All laws shall be published. Whenever a law or section of law is amended, it shall be re-enacted and republished. Every law shall be plainly worded.

### Section 15. Passage of Bills

No bill shall become law unless

(a) a majority of the entire House of Delegates has approved it in identical form on two occasions at least 13 calendar days apart and the bill had been printed and distributed at least three calendar days in advance on both occasions; or

(b) the Governor has certified that prompt passage, precluding a time lapse of 13 days, is essential, and a majority of all Delegates approve the bill.

### Section 16. Approval or Veto

All bills approved by the House of Delegates, except those relating solely to legislative procedure, shall be presented to the Governor for signature or for veto. The Governor may, by veto, strike items in appropriation bills. The Governor shall veto other bills only as a whole. The Governor shall promptly return any vetoed bill or item of appropriation to the House of Delegates with a statement of objections. A bill shall become law if the Governor either signs it or does not veto it within 15 days of presentation.

### Section 17. Legislative Action Upon Veto

Upon receipt of a veto, the House of Delegates shall promptly reconsider passage of the vetoed bill or appropriation item. Such a bill or item requires only one reading. A vetoed bill shall become law by the affirmative votes of two-thirds of all Delegates, except that a veto of an appropriation bill or item shall be overridden by the affirmative votes of two-thirds of the Delegates present and voting.

If the House of Delegates is not in session when a bill or item is vetoed, the House of Delegates may consider the bill or item at its next regular or special session.

Section 18. Effective Date of Laws

No law shall take effect earlier than 90 days after enactment except laws declared to be emergency laws and laws which under this Constitution are not subject to referendum. An emergency law shall contain a preamble setting forth the facts constituting the emergency and a statement that the law is necessary for the immediate preservation of the public peace, health, safety, or convenience. A separate recorded vote shall be taken on the preamble, and unless the preamble is adopted by two-thirds of the members of the House of Delegates present and voting, the law shall not be an emergency law.

Section 19. Auditor

The House of Delegates shall appoint an auditor to serve for six years or until a successor has been appointed. By a two-thirds vote of all Delegates, the House of Delegates at any time may remove the auditor from office for cause. Each year the auditor shall conduct a thorough audit of all State government accounts and operations and shall submit these audit reports to the Governor and to the House of Delegates. The House of Delegates shall make available these reports and distribute summaries to the public.

Section 20. Impeachment

Any executive official elected or appointed with legislative consent is subject to legislative impeachment for cause as may be provided by law.

Impeachment shall originate in the House of Delegates and must be approved by the affirmative votes of two-thirds of all Delegates.

The motion for impeachment shall state the reasons for the proceeding.

Trial on impeachment shall be conducted by the House of Delegates in accordance with procedures provided by law. A Justice of the Supreme Court shall preside at the trial.

Conviction requires the affirmative votes of two-thirds of all Delegates.

The judgment on conviction may not extend beyond removal from office and disqualification to hold and enjoy any state office of honor, trust, or profit but shall not prevent proceedings in the courts on the same or related charges.

Section 21. Code of Ethics

The House of Delegates shall enact conflict-of-interest legislation which shall apply to all elected and appointed State and local candidates for and officials in the executive, legislative, and judicial branches of government. The conflict-of-interest legislation shall include, but not be limited to, requirements for mandatory annual disclosure by public officials of economic interests and sources of income. A Delegate who has personal or private interests, as defined by law, in any proposed or pending bill, shall disclose this fact to the presiding officer and shall not vote on that bill.

ARTICLE III

THE EXECUTIVE BRANCH

Section 1. Executive Power Vested in the Governor

The executive power of the State shall be vested in the Governor, who shall be responsible for the faithful execution of the laws.

Section 2. The Lieutenant Governor

There shall be an elected Lieutenant Governor whose primary duties shall be prescribed by law.

The Lieutenant Governor shall serve as Governor during any period of gubernatorial disability as determined by the Supreme Court. The Lieutenant Governor shall exercise only those administrative duties necessary for the continued and efficient functioning of the State until the Governor either resumes office or is replaced in a special election.

Section 3. The Attorney General

There shall be an Attorney General appointed by the Governor, with the advice and consent of the House of Delegates, for a term of four years. The Attorney General shall be the chief legal officer of the State and shall have responsibility for advising the Governor on legal questions, prosecuting offenders, and representing the State in all legal matters.

Section 4. Election of Governor and Lieutenant Governor

(A) *Election* The Governor and the Lieutenant Governor shall be elected by direct popular vote at the regular elections in Presidential election years. Their term shall be four years, beginning on the second day of January following their election.

(B) *Voting* Candidates for Governor and Lieutenant Governor shall run in pairs for whom a single vote shall be cast. The pair of candidates having the highest number of votes shall be elected Governor and Lieutenant Governor. In case of a tie between two or more pairs of candidates, a runoff election shall be held.

(C) *Re-election* A person who has served two consecutive terms of office as Governor or as Lieutenant Governor shall be ineligible for re-election to the same office for the term immediately following.

(D) *Qualifications* The Governor and the Lieutenant Governor must be at least 30 years old upon assumption of office, citizens of the United States, and residents of the State for at least five years. They shall hold no other public office or regular employment.

Section 5. Powers of the Governor

(A) *Administration* The Governor shall control the administration of the Executive Branch. With the advice and consent of the House of Delegates, the



Governor shall appoint the heads of all principal departments, and administrative offices and agencies whose appointment or election is not otherwise provided. The Governor may at any time require information, in writing or otherwise, from the officers of any administrative department, office, or agency concerning any subject relating to their offices. The Governor may remove any gubernatorially appointed official of the Executive Branch.

(B) *Commander-in-Chief* The Governor shall be Commander-in-Chief of the armed forces of the State, and may call out such forces to execute the laws.

(C) *Executive Clemency* The Governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offenses, subject to such procedures as may be prescribed by law. A parole system shall be provided by law.

(D) *Legislative Power* On extraordinary occasions, the Governor may convene the House of Delegates by a proclamation which shall state the purposes for which the session is convened. When so convened, the House of Delegates shall not legislate on any subject not specified in the proclamation, except to provide for the expenses of the session and other incidental matters. The Governor may convene the House of Delegates at some other place if the security of the seat of government is threatened.

The Governor shall present a message to the House of Delegates at the beginning of each session. At other times the Governor may inform the House of Delegates of the affairs of the State and may submit legislative recommendations.

(E) *Judicial Powers* The Governor shall appoint Justices and Judges as provided for in this Constitution.

## Section 6. Budget

At a time fixed by law, the Governor shall submit to the House of Delegates a budget for the next fiscal period.

## Section 7. Principal Departments

(A) *Limitation* All offices and agencies of the Executive Branch shall be allocated by law among not more than 20 principal departments which shall be grouped as far as practicable according to major purposes. For this limitation the offices of Governor, Lieutenant Governor, Attorney General, and the governing bodies of institutions of higher education provided for in this Constitution shall not be counted.

(B) *Reorganization* The Governor may make changes in the organization of the Executive Branch or in the assignment of functions among its units in order to improve the administration of government. If such changes require amendments to existing law, they shall be set forth in Executive Orders, which shall be submitted to the House of Delegates at least 60 days before the end of the regular session, shall have the force of law, and shall become effective 60 days after submission, unless specifically modified or disapproved by a resolution concurred in by a majority of all the members of the House of Delegates.

## Section 8. Boards and Commissions

(A) *Appointments* With the advice and consent of the House of Delegates, the Governor may appoint members of boards and commissions. The terms of office and procedures for removal of such members shall be as prescribed by this Constitution or by law.

(B) *Establishment* Boards and commissions may be established by law unless otherwise provided in this Constitution.

(C) *Membership* Not all members of any board or commission shall be members of the same political party.

## Section 9. Advice and Consent to Appointments

An appointment subject to the advice and consent of the House of Delegates requires a majority vote of all members of the House of Delegates.

## Section 10. Vacancies

(A) *State Officials* The Governor may make an interim appointment to fill a vacancy occasioned by the death, resignation, suspension, or removal of an appointed or elected officer, other than a legislative or judicial officer, until the officer is reinstated or the vacancy is filled in the manner prescribed by law or this Constitution. A person whose appointment to an office has been disapproved by the House of Delegates, shall not be eligible for an interim appointment to that office.

(B) *United States Senators* In the event of a vacancy in the office of United States Senator or Senator-elect, the Governor may appoint a person who possesses the necessary qualifications to hold the office until the next regularly-scheduled general election at which the vacancy can practicably be filled or the expiration of the term, whichever is sooner.

(C) *Implementation* The House of Delegates shall implement this Section by appropriate legislation.

## Section 11. Compensation

The Governor and the Lieutenant Governor shall each receive the compensation provided by law in full payment for all services performed and expenses incurred during their terms of office. Such compensation shall not be diminished during the term of office.

## Section 12. Executive Residence

A suitably furnished executive residence may be provided within the State for the use of the Governor. The Governor shall receive an allowance for its maintenance as provided by law.

## Section 13. Succession to the Governorship

(A) *Governor* If the Governor dies, resigns, is removed from office, or is determined by the Supreme Court to be permanently disabled, the Lieutenant

Governor and other persons in a sequence prescribed by law shall become Governor for the remainder of the term of the Governor.

(B) *Governor-elect* If the Governor-elect dies, or is determined by the Supreme Court to be permanently disabled, the Lieutenant Governor-elect, and other persons in a sequence prescribed by law shall become Governor at the commencement of the term of the Governor-elect.

#### Section 14. Great Seal

There shall be a Great Seal of the State, which shall be kept and used officially by the Lieutenant Governor as prescribed by law.

### ARTICLE IV

#### THE JUDICIAL BRANCH

##### Section 1. Judicial Power

The judicial power of the State shall be vested in a unified judicial system, consisting of a Supreme Court, a Superior Court, and such inferior and appellate courts as may be established by law. All such courts shall be courts of record.

##### Section 2. Supreme Court

(A) *Jurisdiction* The Supreme Court shall have jurisdiction of appeals from final decisions of the Superior Court or, alternatively, of appeals from final decisions of an intermediate appellate court, if one has been established. The Supreme Court shall also have jurisdiction of other matters, including

- (1) appeals from decisions of the Superior Court that are not yet final, as may be provided by law;
- (2) appeals from appellate decisions of the Superior Court, as may be provided by law;
- (3) appeals from determinations regarding disability of the Governor and of the Governor-elect;
- (4) appeals from gubernatorial and other executive branch orders and decisions, as may be provided by law; and
- (5) such other jurisdiction as may be provided by law.

(B) *Composition* The Supreme Court shall consist of a Chief Justice and eight Associate Justices, who shall sit en banc and not by division or panel when determining the merits of appeals. The Chief Justice shall be designated by the Judicial Nomination Commission from among the Justices in regular active service. The Chief Justice shall serve as Chief Justice for a term of four years or until a successor is designated. The Chief Justice shall be eligible for redesignation as Chief Justice.

##### Section 3. Superior Court

(A) *Jurisdiction* The Superior Court shall have jurisdiction of civil actions or other matters, at law or in equity, brought in the State; criminal proceedings



under any statute of the State; and such other jurisdiction, including appellate jurisdiction of cases decided by inferior courts, as may be provided by law.

(B) *Composition* The Superior Court shall consist of a Chief Judge and 43 or more Associate Judges, as provided by law. The Chief Judge of the Superior Court shall be designated by the Judicial Nomination Commission from among the Judges in regular active service and shall serve as Chief Judge for a term of four years until a successor is designated. The Chief Judge shall be eligible for redesignation as Chief Judge.

#### Section 4. Qualifications

(A) *Qualifications* A person nominated as a Judge or Justice must be

(1) a citizen of the United States;

(2) an active member of the Unified State Bar who has been engaged in the practice of law in the State for five years preceding nomination but who has not served within the two preceding years as a member of the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure; and

(3) an actual resident of the State for at least five years immediately prior to nomination.

(B) *Disqualifications* No Judge or Justice shall hold any other State or Federal paid office, position of profit, or employment. Upon becoming a candidate for any elective office, or upon ceasing to reside in the State, a Judge or Justice shall forfeit judicial office.

#### Section 5. Vacancies in the Office of Judge or Justice

The Governor shall fill any vacancy in any office of Judge or Justice by appointing one of two or more persons nominated by the Judicial Nomination Commission.

#### Section 6. Salary of Judges and Justices

The salary and benefits of a Judge or Justice may not be reduced during the term in office of the Judge or Justice.

#### Section 7. Judicial Nomination Commission

The Judicial Nomination Commission shall consist of nine members, each of whom shall serve for six years and until a successor has been appointed. Each member shall be a citizen of the United States, shall have been an actual resident of the State for at least five years prior to appointment, and shall maintain residency in the State.

#### Section 8. Judicial Nomination Commission Membership

Members of the Commission shall be selected as follows:

(a) Six members shall be appointed by the Governor, with the advice and consent of the House of Delegates. Two of them shall have been

engaged in the practice of law in the State for at least five successive years preceding appointment. The other four shall not be lawyers.

(b) Two members shall be appointed by the Board of Governors of the Unified State Bar and shall have been engaged in the practice of law in the State for at least five years preceding appointment.

(c) One member shall be appointed by the House of Delegates and shall be a lawyer or a retired Judge or Justice of the State.

Members shall receive compensation as provided by law. The Commission shall choose annually from among its members its chairperson and such other officers as are deemed necessary.

## Section 9. Tenure of Judges and Justices

Judges of the Superior Court and Justices of the Supreme Court shall be appointed for life, subject to removal by the voters and to removal, suspension, or involuntary retirement by the Commission on Judicial Disabilities and Tenure, as provided for in this Article.

## Section 10. Retention Elections

In a manner provided by law, each Judge or Justice shall be subject to retention or removal by the voters, on a nonpartisan ballot, at the first general election held more than three years after initial appointment. An additional retention election shall be held every ten years for a Supreme Court Justice, and every six years for a Superior Court Judge.

Not less than eight months prior to a retention election, a Judge or Justice may file with the Commission on Judicial Disabilities and Tenure a request for official evaluation. If a request is filed, this Commission shall prepare, not less than 90 days prior to the date of the election, a written evaluation of the performance and fitness for continued service of the Judge or Justice, including a rating on a scale established by law. In evaluating the Judge or Justice, the Commission shall collect relevant information from a representative sample of judges, lawyers, scholars, litigants, and jurors familiar with the work of the Judge or Justice. The Commission shall make its report and rating available to the Judge or Justice, the press, and the public. If no request for evaluation is filed, the Commission shall report that fact.

## Section 11. Commission on Judicial Disabilities and Tenure

(A) *Qualifications* The Commission on Judicial Disabilities and Tenure shall consist of five members, each serving for a term of six years. A member must

(a) be a United States citizen who is not an officer or employee of the State government or of the legislative or executive branches of the federal government; and

(b) have been an actual resident of the State for at least five years immediately prior to appointment.

(B) *Selection* Two members shall be lawyers appointed by the Board of Governors of the Unified State Bar. Two members, one of whom shall not be a

lawyer, shall be appointed by the Governor with the advice and consent of the House of Delegates. One member shall be appointed by the House of Delegates, and shall not be a lawyer. Members who are lawyers shall have the qualifications prescribed for persons appointed as Judges of the Superior Court.

(C) *Procedure* The Commission shall choose annually, from among its members, a chairperson and such other officers as it may deem necessary. It may adopt any necessary rules of procedure. It may conduct studies regarding administration of the Judiciary. It may require the Governor to furnish such records, information, services, and other assistance and facilities as may be necessary to enable it to perform its functions properly, but information so furnished shall be treated by it as privileged and confidential. The Commission shall act only at meetings called by the chairperson or by a majority of the members after notice to all members.

## Section 12. Removal, Suspension, and Involuntary Retirement of Judges and Justices

A Judge or Justice of a court shall be removed from office upon the filing in the Supreme Court by the Commission on Judicial Disabilities and Tenure of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under federal law or which would be a felony in the State. A Judge or Justice shall also be removed from office upon affirmance of an appeal from an order of removal filed in the Supreme Court by the Commission on Judicial Disabilities and Tenure (or upon expiration of the time within which such an appeal may be taken) after a determination by that Commission of willful misconduct in office, willful and persistent failure to perform judicial duties, or any other conduct which is prejudicial to the administration of justice.

A Judge or Justice shall be involuntarily retired from office when the Commission on Judicial Disabilities and Tenure determines that the Judge or Justice suffers from a mental or physical disability, including habitual intemperance, which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of judicial duties, and that Commission files in the Supreme Court an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken has expired.

A Judge or Justice shall be suspended without salary upon proof of conviction, which has not become final, of a crime which is punishable as a felony under federal law or which would be a felony in the State, or upon the filing of an order of removal which has not become final. A Judge or Justice shall also be suspended without salary upon the filing by the Commission on Judicial Disabilities and Tenure of an order of suspension in the Supreme Court. Suspension for either of these reasons shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the Judge or Justice shall be reinstated and shall recover the salary and all rights and privileges of office.

A Judge or Justice shall be suspended from judicial duties with any retirement salary to which the Judge or Justice is entitled, upon the filing by



the Commission on Judicial Disabilities and Tenure of an order of involuntary retirement in the Supreme Court. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the Judge or Justice shall be reinstated and shall recover all judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of office.

A Judge or Justice shall be suspended from all or part of the Judge or Justice's judicial duties, with salary, if the Commission on Judicial Disabilities and Tenure, upon concurrence of four members, orders a hearing for the removal or retirement of the Judge or Justice pursuant to this Section and determines that the suspension is in the interest of the administration of justice, and files an order of suspension in the Supreme Court. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Commission) but in no event later than the termination of all appeals.

### Section 13. Administration

The Chief Justice of the Supreme Court shall be the administrative head of all courts of the State. The Chief Justice may assign Judges and Justices for temporary service in any court. With the approval of the Supreme Court, the Chief Justice shall appoint an administrative director to serve at the pleasure of the Supreme Court and to supervise the administrative operations of the judicial system of the State.

### Section 14. Financing

Before each fiscal period, the Chief Justice of the Supreme Court shall submit to the Governor a budget for the judicial system, including detailed estimates of necessary appropriations and expenditures, full-term operating and capital improvements projections, and a qualitative and quantitative description of court activities. The Governor shall transmit the proposed budget to the House of Delegates without changing it, but may make recommendations with respect to it. The Governor shall not be required to propose revenues to fund the entire submission but must propose revenues to finance that portion of the proposed budget recommended for acceptance by the House of Delegates.

### Section 15. Rulemaking

The Supreme Court shall make and promulgate rules governing the administration of all courts, including rules governing practice and procedure. These rules may be changed by law.

### Section 16. Vacancies in Judicial Commissions

Persons appointed to fill vacancies arising for a reason other than expiration of a prior term on the Judicial Nomination Commission or the Commission on Judicial Disabilities and Tenure shall serve only for the remainder of the

unexpired term. Any vacancy shall be filled in the manner in which the original appointment was made.

### Section 17. Definition

The term “practice of law” as used in this Article means the active practice of law, service on the faculty of a law school, or employment as a lawyer by the state government or by the federal government.

## ARTICLE V

### SUFFRAGE

#### Section 1. Voting Eligibility

Every citizen of the United States is eligible to vote in any election and to circulate and sign nominating, initiative, referendum, recall, and other petitions authorized by law, provided that the person

- (a) resides or is domiciled in the State or the National Capital Service Area as defined in this Constitution and does not claim voting residence or the right to vote in any other state, territory, or country;

- (b) will be at least 18 years old on the date of the election;

- (c) is not mentally incompetent as determined by a court of competent jurisdiction;

- (d) is not incarcerated in a correctional institution as a result of conviction in the United States of a crime which would be a felony in the State; and

- (e) has registered to vote at the time of the election or by the time the petitions are filed.

An eligible person may register at any time except that the House of Delegates may prescribe a period of delay of up to 30 days between the date on which a person registers and the date on which that person becomes eligible to vote.

#### Section 2. Eligibility of Residents Temporarily Out-Of-State

No person shall be deemed to have lost residence or domicile in the State solely because of temporary absence from the State while serving in the service of the United States, while serving as an officer or member of the crew of a merchant vessel, or while attending an educational institution outside the State.

#### Section 3. Absentee Voting

The House of Delegates shall provide for absentee voting.

ARTICLE VI

EDUCATION

Section 1. Provision For Education

(A) *Preamble* Recognizing the distinct and unique heritage of its diversified population, the State is committed in its educational goals to the preservation of cultural integrity and to the promotion of equality of opportunity for every individual to develop fully.

(B) *Equal Educational Opportunity* The State shall guarantee equality of educational opportunity in public educational institutions to all residents regardless of race, sex, religion, color, national origin, citizenship, condition of disability, and other individual characteristics. The State may be sued for default of this guarantee. The House of Delegates shall provide penalties for any individual who violates this guarantee.

Section 2. Primary and Secondary Education

(A) *Primary and Secondary Schools* The State shall provide for the establishment, financing, and control of a uniform, high-quality, statewide system of free public primary and secondary schools, including specialized schools, for all residents. Education to standards established by the State Board of Education shall be compulsory for all residents between the ages of 6 and 18, except those who have already completed all secondary school requirements. All public schools shall be free of sectarian or religious instruction. Children of Diplomatic Corps members may attend public schools, as provided by the State Board of Education.

(B) *State Board of Education* The general control and supervision of the public school system shall be vested in a State Board of Education consisting of nine voting members. Eight members shall be elected from separate electoral districts varying by no more than three percent from the average population of all districts, and one shall be a student representative who shall be enrolled in a public senior high school and elected by the public senior high school student population. The duties, qualifications, compensation, term of office, and manner of election of the State Board of Education and the electoral district boundaries shall be as provided by law and by this Constitution.

(C) *State Superintendent of Public Instruction* The State Board of Education shall appoint the State Superintendent of Public Instruction and shall prescribe the length of term, compensation, powers, and duties of the Superintendent.

(D) *Budget* The State Board of Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of all primary and secondary schools. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Education, but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of



this money shall be under the exclusive control of the State Board of Education.

(E) *Title to Property* Any property titled in the name of the District of Columbia or of the State and used by or acquired for the use of the Board of Education of the District of Columbia or of the State Board of Education shall henceforth be deemed to be titled in the name of the State Board of Education.

(F) *Control of Property* The State Board of Education shall control the leasing and renting of its buildings and lands. With the advice and consent of the House of Delegates the State Board of Education may sell and purchase buildings and lands.

(G) *Public Involvement in Schools* To the maximum extent possible, the State Board of Education shall promote parental, administrative, community, teacher, and student involvement in local schools.

(H) *Libraries* Public libraries and other such institutions may be used to enhance public school programs relating to the history and culture of the State.

(I) *Minimum Standards* All private elementary and secondary schools shall be required to meet the same minimum standards for instructors, instruction, and student achievement as may be imposed by the State Board of Education upon the public schools. The State Board of Education may establish equivalent alternatives to the above standards.

### Section 3. Higher Education

(A) *System of Higher Education* The State shall provide for the establishment, financing, and control of a public system of higher education which shall constitute a public trust and shall consist of the State University and such other institutions of higher learning as may be established by law. This system shall be supervised by the Board of Higher Education which shall be a body corporate. The Board of Higher Education shall have general supervision of all state institutions of higher instruction, direction and control of all funds and appropriations, and other powers and duties as prescribed by law.

(B) *Board of Higher Education* The Board of Higher Education shall consist of

(1) eight voting members, of whom one shall reside in each State Board of Education electoral district, who shall be appointed by the Governor, with the advice and consent of the House of Delegates, and who shall serve for staggered terms of six years;

(2) three voting members representing alumnae, alumni, and students, of whom one shall be selected by the body of alumnae and alumni, one shall be a graduate student selected by the entire graduate student body, and one shall be an undergraduate student selected by the entire undergraduate student body; and

(3) three ex-officio members without the right to vote: the Governor, the President of the House of Delegates, and the Superintendent of Public Instruction.

(C) *Compensation and Tenure* Members of the Board of Higher Education (1) shall receive no salary, but may be reimbursed for expenses incurred in the discharge of their duties; and

(2) shall not be removed except for cause and by due process of law.

(D) *Budget* The State Board of Higher Education shall prepare and submit to the Governor detailed estimates of expenditures and appropriations necessary for the maintenance and operation of its entire system. The budget for the State Board of Higher Education shall include all State colleges and universities and the institutions subject to its control. For each fiscal period, the House of Delegates shall appropriate a total budget sum for the State Board of Higher Education but not in a line-item manner. This budget shall include full-term operating and capital improvements projections and qualitative and quantitative descriptions of school activities. The expenditure of this money shall be under the exclusive control of the State Board of Higher Education.

(E) *Title to Property* Any property titled in the District of Columbia or in the State and used by or acquired for the use of the Trustees of the University of the District of Columbia, or any of its predecessor institutions, or of the State Board of Higher Education shall henceforth be deemed to be titled in the name of the State Board of Higher Education, which shall control the leasing and renting of these properties.

However, no such buildings or lands shall be sold or purchased, except with the consent of the House of Delegates.

#### Section 4. Restrictions on Financing of Non-Public Education

(A) *Prohibition of Financial Support to Schools* The State shall provide no financial support, either directly or indirectly, unless earmarked for a program of public service, to any sectarian, denominational, or religious school, or to any pre-elementary, elementary, secondary, or post-secondary school which is not owned and exclusively controlled by the State.

(B) *Prohibition of Support for Students or Employees* Except as otherwise provided in this Section, the State shall provide no payment; credit; tax benefit, exemption, or deduction; tuition voucher; or subsidy, grant, or loan of public monies or property, in any way, either directly or indirectly,

(1) to support the attendance of any student at any pre-elementary, elementary, or secondary school or other institution at those levels, which is not owned and exclusively operated by the State; or

(2) to pay the salary of any employee at any non-public school or institution where instruction is offered in whole or in part to non-public school students at any level.

(C) *Students with Disabilities* The State may pay the private school tuition of a student with a disability which renders the student unable to receive an education in the public schools.

(D) *Federal Funding* Nothing in this Section shall restrict the acceptance of funds from the government of the United States, nor the expenditure of those funds in accordance with the terms under which they are accepted.

ARTICLE VII

FINANCE AND TAXATION

Section 1. Fiscal Period

The fiscal, accounting, and budget periods of the State shall be 24 months which shall commence and terminate as provided by law.

Section 2. The Budget

At a time established by law, the Governor shall submit to the House of Delegates a balanced operating budget estimate for the next fiscal period. It shall state all anticipated expenditures and income for the State and for all its departments, agencies, and subdivisions. At that time, the Governor shall also submit a general appropriation bill or bills authorizing all anticipated expenditures and a bill or bills to raise all necessary revenues.

From time to time, the Governor may prepare and submit to the House of Delegates such supplemental or deficiency budget recommendations as in the judgment of the Governor are necessary to serve the public interest.

The proposed budget shall include a budget message, which shall contain multi-year plans for all departments, agencies, and subdivisions of the State, and for capital improvements. The period of the multi-year plans and their specific contents shall be defined by law.

The budget of the Governor shall be available and summaries shall be distributed to the public.

The House of Delegates shall establish an independent agency to project revenue estimates for the next fiscal period. These projections shall be published and made available to the public.

Section 3. Adoption of the Budget

After receipt of the proposed budget from the Governor and within a time period established by law, the House of Delegates shall adopt and transmit to the Governor a balanced operating budget for the State.

Section 4. Expenditures

No money shall be withdrawn from the Treasury except in accordance with appropriations made by law, nor shall any obligations for the payment of money be incurred except as authorized by law. The appropriation for each department, agency, or subdivision of the State shall specify distinctly the sum appropriated and the general or specific purpose for which it is made.

Section 5. Borrowing

The State may incur indebtedness only by authorization of the House of Delegates and only by issuing general obligation bonds for capital projects, revenue notes in anticipation of revenues, and negotiable notes to meet appropriations.



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The House of Delegates shall set an overall debt limit for indebtedness through general obligation bonds.

All indebtedness, except general obligation bonds for capital projects, must be retired within the same fiscal period or within the succeeding fiscal period.

### Section 6. Debt Service Limitations

Long-term debt shall not be incurred to the extent that it requires debt service of more than 14 percent of the revenues during any biennial fiscal period.

### Section 7. Taxation

(A) *Taxing Power* The State House of Delegates shall have the power to tax. This power shall never be surrendered, suspended, or contracted away, except as provided in this Constitution.

(B) *Tax Exemptions — Retail Sales* The State House of Delegates shall not have the power to tax purchases of retail groceries and prescription drugs and other medicines. These terms shall be defined by the House of Delegates.

(C) *Tax Exemptions — Real Estate* Tax exemptions on real property not owned and controlled by the State or its political subdivisions and not used exclusively for a public purpose may not be granted by the House of Delegates except with respect to real property used exclusively for non-profit, religious, educational, or charitable purposes or as required by the United States Constitution. Private leaseholds, contracts, or interests in land or property owned or held by the State, or its political subdivisions, shall be taxable to the extent of the interests.

(D) *Tax Bills* No tax shall be levied, except as provided by law, and every law imposing a tax shall be addressed in a separate bill. No matter not immediately relating to and necessary for raising revenue shall be blended with or annexed to a bill for imposing taxes.

### Section 8. Earmarking

Except as required by participation in federal programs or interstate compacts or as needed to secure authorized debt, the State shall not authorize the earmarking of funds for longer than two fiscal periods.

### Section 9. Limitations on Appropriations

No appropriation shall ever be made from any public fund in aid of any religious creed, church, or sectarian purpose, or to help, support, or sustain any private school, academy, seminary, college, university, or other institution of learning controlled by any religious creed, church, or sectarian denomination, unless earmarked for a program of public service. No grant or donation of personal property or real estate shall ever be made by the State or any of its political subdivisions for any religious creed, church, or sectarian purpose.

ARTICLE VIII

BANKING AND CORPORATIONS

Section 1. State Banking Commission

The House of Delegates shall establish a State Banking Commission to regulate State chartered financial institutions and to perform such other functions as may be provided by law.

Section 2. State Depositors Insurance Fund

The House of Delegates shall establish a State Depositors Insurance Fund System.

Section 3. State Economic Development Bank

The House of Delegates shall establish a State Economic Development Bank. Its primary responsibility shall be to provide loans to those individuals, corporations, partnerships, limited partnerships, cooperatives, or other businesses and establishments that are unable to obtain loans from any private bank, savings and loan association, or credit union within the State.

Section 4. Corporations

The House of Delegates shall provide by law for the organization, regulation, and qualification of all corporations, credit unions, unincorporated enterprises, mutual and cooperative companies and associations, and foreign corporations doing business in the State.

ARTICLE IX

LAND AND THE ENVIRONMENT

Section 1. Land

(A) *Comprehensive Plan.*

(1) *Plan* Every ten years within a time period fixed by law, the Governor shall submit to the House of Delegates and the public a ten-year comprehensive land use plan. The objective of the plan shall be the use and development of land in a manner consistent with the public welfare. The neighborhoods of the State shall serve as the foci for the development of the plan. A summary of the plan shall be distributed to the public.

(2) *Citizen Advisory Planning Commission* In order to ensure citizen participation in the development of the land use plan, the Governor shall establish a Citizen Advisory Planning Commission. The Governor shall determine the size of the Commission and appoint its members including at least one resident from each legislative district. The House of Delegates shall determine the terms of office of members of the Commission and establish their rate of compensation, if any.

(3) *Adoption* Within a time period fixed by law, after receiving the proposed comprehensive plan and conducting public hearings on it, the House of Delegates shall consider it, make any necessary changes, and upon adoption transmit the approved plan to the Governor. The plan shall guide the actions of all State agencies and commissions.

(B) *Eminent Domain* Private property shall not be taken or damaged for public purposes without just compensation. Private property shall not be taken in order to transfer it to another private use for profit unless the taking serves a compelling public purpose that clearly cannot be achieved by any alternative means.

(C) *Public Land Acquisition* The State may acquire interests in real property to control future growth, development, and land use.

(D) *Zoning* The House of Delegates shall establish a Zoning Commission to protect the public health and welfare, protect property, and secure the public safety.

## Section 2. Environment

(A) *Public Policy* It is the responsibility of the State to protect, restore, and enhance the quality of the human environment for this and future generations.

(B) *Preservation* The State shall provide for the preservation and development of open green space and of sites, objects, and properties of historical or cultural value.

(C) *Rights of Individuals* Each person has the right to a clean and healthful environment and has a corresponding duty to refrain from environmental impairment. Each person may enforce these rights and duties against any party, public or private, through appropriate legal proceedings, subject to reasonable limitations and regulation as provided by law.

(D) *Legislative Responsibility* The House of Delegates shall establish an agency and enact other appropriate legislation to carry out the policies of this Section.

# ARTICLE X

## PUBLIC SERVICES

### Section 1. Transportation

Public Transportation performs a function essential to the general welfare of the State. It is a policy of the State to provide convenient access to effective means of public transportation at reasonable rates for all of its geographical communities.

### Section 2. Utilities

The general welfare of the State requires effective regulation of public utilities through consumer participation and the protection of consumers from excessive rates. To advance these goals,



(a) it is hereby declared that utility service shall be provided at the lowest reasonable rates sufficient to assure adequate, efficient, and reasonable services; and that unreasonably high rates based on excessive capital investment shall not be permitted;

(b) the House of Delegates shall establish one or more commissions to regulate public utilities and provide for the conservation of energy resources within the State, as provided for by law; and

(c) there shall be an Office of People's Counsel to represent consumers before the regulatory commission or commissions.

### Section 3. Publicly Owned Utilities

Utilities are works of public necessity and importance the services of which the State may itself provide. The State may acquire, own, or operate public utilities and provide their services to consumers.

## ARTICLE XI

### HEALTH, HOUSING, AND SOCIAL SERVICES

#### Section 1. Health

(A) *General Provisions* The State shall provide for the protection and promotion of public health. The State shall have the power to assist residents unable to maintain standards of living compatible with decency and good health care.

(B) *Disabled Persons* As provided by law, the State shall provide treatment, care, and training, including education to their fullest potential, for persons suffering from mental illness, physical disability, or retardation.

The State shall have complete administrative control of state hospitals and other state institutions and centers established to assist these persons and shall administer other programs as provided by law.

As provided by law, the State shall regulate private institutions established to assist these persons.

There shall be a Chief Administrator of Mental Health who shall be responsible for regular, systematic visitation and inspection of all public and private institutions used for the care and treatment of mentally disabled persons.

(C) *Public Health Facilities* The State shall have the power to provide for the establishment and maintenance of a network of comprehensive health facilities which provide for the prevention, treatment and care of illnesses and health-related problems.

(D) *State Board of Health* There shall be a State Board of Health whose responsibilities shall include enforcing, overseeing, and maintaining decent health and nutritional care, and maintaining the vital statistics necessary to improve the health of the people.

The House of Delegates shall determine the size and composition of the Board.

## Section 2. Housing

The State shall have the power to provide low and moderate income families with assistance in obtaining decent, sanitary, and safe housing and to develop or rehabilitate substandard areas. The exercise of this power is deemed for public use and purpose.

## Section 3. Social Services

(A) *Unemployment and Workers Compensation* The State shall have the power to provide an adequate system of unemployment compensation and workers compensation benefits for employees, including provisions for compensating employees absent from work because of pregnancy, childbirth, or the need to care for newborn or young children.

(B) *Public Sector Jobs and Welfare* The State shall have the power to create jobs and to provide transfer payments for the purpose of meeting basic human needs.

(C) *Day Care Centers* The State shall provide and maintain public day care centers as provided by law and shall establish standards for publicly and privately operated day care centers.

(D) *Youth Offenders and Criminals* The State shall provide for the maintenance and support of institutions for the detention of youth offenders and persons charged with or convicted of crimes. Rehabilitation programs shall be developed and maintained for the transition of persons from these institutions to the community, as provided by law.

(E) *The Elderly* The State shall have the power to establish and promote programs to assure the economic and social well-being of the elderly, including provision for their health, security, and access to public buildings. The State shall regulate private and public nursing homes for the elderly and the disabled, as provided by law.

(F) *Cultural Resources* The State shall have the power to preserve and enhance the cultural, creative, and traditional arts of its people and shall maintain an appropriate facility for this purpose. The State shall preserve historical sites and landmarks.

# ARTICLE XII

## LABOR

### Section 1. Collective Bargaining

Persons in private and public employment shall have the right to organize and bargain collectively, through representatives of their own choosing. The right to strike is fundamental and is an inherent part of the right to organize and bargain collectively. The right of public employees to strike shall not be abridged unless the abridgement serves a compelling governmental interest and is narrowly drawn so as to serve that interest, and it is clear that no alternative form of regulation is possible.

Section 2. Minimum Wages, Equal Pay, Health and Safety

The House of Delegates shall provide for minimum wages, equal pay for equal work and equal pay for comparable work, and a safe and healthy workplace. Minimum wages established shall apply to all employees covered thereby. The House of Delegates may enact other laws to enhance and promote the dignity and general welfare of labor, but no laws shall be enacted which impair the ability of collective bargaining organizations to carry out their lawful functions.

Section 3. Administration of Labor Relations

The House of Delegates shall establish an agency or agencies within one of the principal executive departments to administer and enforce all laws, regulations, and programs concerned with collective bargaining and the general welfare of labor.

ARTICLE XIII

LOCAL GOVERNMENT UNITS

Section 1. Authority

The House of Delegates shall permit areas of the State to elect local officers and to exercise such local authority, other than the authority to tax, zone land, or enact legislation, as it may by law provide. The House of Delegates shall have the ultimate authority for establishing standards and for determining whether the proposed local government unit meets those standards.

Section 2. Charters

The House of Delegates shall establish procedures to permit an area to petition for the election of a Charter Commission. A charter shall include provisions for a charter amendment process and for a process by which neighboring areas may later be considered for inclusion in the local government unit. The House of Delegates shall provide that the charter drafted by the elected Commission be submitted to the voters of the proposed unit for approval before submission to the House of Delegates.

Section 3. Special Districts

The House of Delegates shall have the power to create special districts for public purposes.

Section 4. Advisory Neighborhood Commissions

Advisory Neighborhood Commissions shall exercise the authority which they had at the time the State entered the Union, and any additional authority subsequently provided by law. The House of Delegates may modify this



structure but shall always provide for elected advisory neighborhood mechanisms in unchartered areas of the State.

#### Section 5. Implementation

A law implementing this Article shall be passed by the House of Delegates within two years of the convening of the first House of Delegates and shall be subject to the approval of the voters of the State.

### ARTICLE XIV

#### APPORTIONMENT

##### Section 1. Reapportionment of Legislative Districts

The State shall be apportioned into 40 legislative election districts of substantially equal population. As soon as practicable after the results of each decennial census are reported, but in any event not later than the calendar year following the taking of the census, these districts shall be revised to maintain districts of substantially equal population. The Reapportionment Commission established by this Article shall conduct the reapportionment, which shall be subject to judicial review upon the application of any qualified registered voter of the State.

##### Section 2. Reapportionment Commission

(A) *Membership* The reapportionment of legislative districts shall be carried out by a Reapportionment Commission consisting of five members appointed by the Governor in January of the year before the year in which the decennial census is conducted. No member may hold any other public office. The State Committee of each of the three political parties having the highest number of votes in the most recent gubernatorial election shall submit to the Governor a list of three names of registered voters who are members of that party for the consideration of the Governor. The President of the House of Delegates shall also submit to the Governor the names of three registered voters, regardless of party affiliation. The Governor shall appoint Commission members from the combined list of 12 names. No more than two of the five appointees shall be members of the same political party. Any independent candidate receiving one of the three highest totals in the most recent gubernatorial election shall be treated as a state committee for purposes of this Section.

(B) *Additional Duties* In addition to establishing legislative districts, the Commission shall establish any districts required for the members of the United States House of Representatives representing this State, establish appropriate single-member districts for any other elective office, and participate with the United States in joint preparations for the decennial census.

(C) *Term* The Reapportionment Commission shall continue in office until the completion of the reapportionment relevant to all offices as a result of the decennial census, including the final adjudication of all appeals.

### Section 3. Apportionment Standards

Each district shall have a population which varies by no more than three percent from the average population of all districts. Each district shall respect neighborhood integrity, be contiguous, and be as compact as possible. In reapportioning the State, the Commission may take into account natural features and open spaces, such as rivers and parks, but shall not take into account the addresses of incumbent elected officials, the political affiliations of registered voters, the results of previous elections, or demographic information other than the actual number of persons found by the most recent census to reside in each census tract or other geographical area. No reapportionment shall be effected for the purpose of favoring or harming any political party, incumbent public official, or other person or group.

## ARTICLE XV

### INITIATIVE, REFERENDUM, AND RECALL

#### Section 1. Right to Initiative, Referendum and Recall

Although the legislative power of the State is vested in the House of Delegates, the people reserve to themselves the power to propose, adopt, and repeal laws and constitutional provisions. The people also reserve to themselves the power to remove from office elected State and local government officials.

#### Section 2. Initiative Procedures

(A) *Definition, Presentation, and Limitations* Initiative is the power of the voters to propose laws and amendments to the Constitution and to adopt or reject them.

An initiative may be proposed by presenting to the Lieutenant Governor the text of the proposed law or constitutional amendment.

The proposed law or amendment to the Constitution shall embrace a single subject and related matters.

(B) *Obligation and Responsibilities* Upon receipt of an initiative, the Lieutenant Governor shall submit it immediately to the Attorney General.

Within 20 calendar days, the Attorney General shall provide the proponents of the initiative an advisory opinion on its clarity and whether or not it meets the requirements of this Article for placement on the ballot.

The proponents shall then resubmit the proposal, revised or unchanged, to the Lieutenant Governor.

Within 20 calendar days, the Lieutenant Governor shall prepare an accurate title and summary statement for use on the petition form.

(C) *Certification and Circulation* Upon the receipt of petitions signed by qualified voters equal in number to five percent, in the case of a law, and ten percent, in the case of a constitutional amendment, of the votes cast for all candidates for Governor in the most recent gubernatorial election, provided that the respective percentages for each type of initiative must have been met

in at least two-thirds of the legislative districts of the State, the Lieutenant Governor shall submit the measure at the next election held at least 120 days after it qualifies.

The circulation period allowed for an initiative petition shall be 180 days after the proponents receive a title and summary from the Lieutenant Governor.

(D) *Effective Date* An initiative approved by a majority of the voters shall take effect 30 days after certification by the Lieutenant Governor.

(E) *Limitations* No proposal shall be the subject of any initiative if it relates to the appointment, qualifications, tenure, removal, or compensation of Justices or Judges; to the powers, jurisdiction, creation, or abolition of courts or any rules thereof; to the appropriation of any money other than new revenues created and provided thereby; or to the diminishment of the rights and protections of any persons as enumerated in this Constitution or as provided by law.

(F) *Conflicts* If provisions of two or more initiatives approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

(G) *Amendment and Repeal* The House of Delegates may amend or repeal an initiative law during a two-year period following its enactment only by a three-fourths majority vote of the Delegates present and voting. Repeal of an initiative by another law shall become effective only when approved by the voters unless the law adopted by initiative permits repeal without their approval.

### Section 3. Referendum Procedures

(A) *Definition* The referendum is the power of the voters to approve or reject newly enacted laws or parts of laws.

(B) *Requirements* A referendum may be proposed by a voter to the Lieutenant Governor, within 90 days after the enactment of the law which is the subject of the referendum provided, that the petition contains the required number of signatures of voters.

A petition must be signed by registered voters in number not less than five percent of the statewide votes cast for all candidates for Governor at the most recent gubernatorial election, provided that the signature percentage requirement shall have been met in at least two-thirds of the legislative districts of the State.

The petition shall ask that a law or a part of a law be submitted to the voters.

(C) *Implementation.*

(1) Upon verification of the petition signatures, the Lieutenant Governor shall submit the referendum to the voters for approval or disapproval.

(2) The referendum election shall be held 60 days after verification of requirements.

(3) The Governor may call a special statewide election.

(D) *Limitations* A referendum petition may not be filed with respect to a law or part of a law that provides human rights or protections or relates to



appointment, qualifications, tenure, removal, or compensation of judges; the powers, creation, or abolition of courts; the appropriation of money for the current or ordinary expenses of the State or for any of its departments, boards, commissions, or institutions. Any capital project may be the subject of a referendum, except for capital projects for public education.

(E) *Effective Date* The result of a referendum election takes effect immediately after the official declaration of the vote by the Lieutenant Governor.

(F) *Exception* Except in the case of an emergency law, the timely filing of a referendum petition and verification by the Lieutenant Governor that it complies with the requirements of this Article shall suspend the operation of the law which is the subject of the referendum unless the Lieutenant Governor finds that it does not comply with all the requirements of this Article.

A majority affirmative vote shall put the law into effect; a negative vote shall render it null and void. An emergency law remains in effect unless there is a majority vote against the law, in which case it shall become null and void.

#### Section 4. Publicity

The House of Delegates shall provide methods of publicizing all initiative or referendum measures referred to the voters with statements for and against the measures so referred. The Lieutenant Governor shall undertake distribution of the measures to ensure that voters shall have an opportunity to study the measures prior to the election.

#### Section 5. Recall Procedures

(A) *Definition* Recall is a process [sic] by which voters may remove an elected State or local government official.

(B) *The Petition Process* The Lieutenant Governor shall supervise the petition process including certification of the required number of signatures. A maximum of 90 days is allotted for the collection of signatures.

(C) *The Petition Statement* The recall petition shall contain a concise statement alleging the reasons for recall. The wording of the statement shall be determined by the petitioners in cooperation with the Attorney General.

(D) *Petition Signature Requirements* A recall petition shall contain at least 25 percent of the total number of all votes cast in the most recent election for the position in question. In the case of a statewide office, this 25 percent requirement must be met in at least two-thirds of the legislative districts.

(E) *Initiation of Recall* Recall cannot be initiated within the first six months or the last 12 months of the term of an elected official nor upon more than one occasion during that term.

(F) *Time of Recall Election* A recall election shall be held no less than 60 days nor more than 120 days after certification of the signed petitions.

(G) *Votes Required for Recall* A simple majority vote shall remove the official from office.

(H) *Reimbursement* Within limits set by the House of Delegates, recall expenses incurred by the official, if retained, shall be paid by the State.

(I) *Filling a Recall Vacancy* When an official is recalled, the vacancy shall be filled by a special election held no more than 90 days after the recall

certification or at the next regularly scheduled election if it occurs within 150 days.

(J) *Local Government Units* Any local government shall have the power to provide in its charter for recall of its elected officials.

## Section 6. Enabling Legislation

This article is self-executing, but enabling legislation may be enacted.

# ARTICLE XVI

## INTERGOVERNMENTAL RELATIONS

### Section 1. Boundaries of the State

(A) The boundaries of the State shall be subject to the approval of the Congress of the United States and the voters of the State. The State shall include, however, at least all of the territory of the District of Columbia which is not included within the boundaries of the National Capital Service Area as defined in this Section.

The outer limits of the boundaries of the National Capital Service Area are:

Beginning at the Northwest point on the present Virginia-District of Columbia boundary, running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;  
 thence east on D Street Northwest to Second Street Northwest;  
 thence south on Second Street Northwest to the intersection of Constitu-  
 tion Avenue Northwest and Louisiana Avenue Northwest;  
 thence northeast on Louisiana Avenue Northwest to North Capitol Street;  
 thence north on North Capitol Street to Massachusetts Avenue Northwest;  
 thence southeast on Massachusetts Avenue Northeast so as to encompass  
 Union Square;  
 thence following Union Square to F Street Northeast;  
 thence east on F Street Northeast to Second Street Northeast;  
 thence south on Second Street Northeast to D Street Northeast;  
 thence west on D Street Northeast to First Street Northeast;  
 thence south on First Street Northeast to Maryland Avenue Northeast;  
 thence generally north and east on Maryland Avenue to Second Street  
 Northeast;  
 thence south on Second Street Northeast to C Street Southeast;  
 thence west on C Street Southeast to New Jersey Avenue Southeast;  
 thence south on New Jersey Avenue Southeast to D Street Southeast;  
 thence west on D Street Southeast to Canal Street Parkway;  
 thence southeast on Canal Street Parkway to E Street Southeast;  
 thence west on E Street Southeast to the intersection of Canal Street  
 Southwest and South Capitol Street;  
 thence northwest on Canal Street Southwest to Second Street Southwest;  
 thence south on Second Street Southwest to Virginia Avenue Southwest;  
 thence generally west on Virginia Avenue to Third Street Southwest;  
 thence north on Third Street Southwest to C Street Southwest;  
 thence west on C Street Southwest to Sixth Street Southwest;  
 thence north on Sixth Street Southwest to Independence Avenue;  
 thence west on Independence Avenue to Twelfth Street Southwest;  
 thence south on Twelfth Street Southwest to D Street Southwest;  
 thence west on D Street Southwest to Fourteenth Street Southwest;  
 thence south on Fourteenth Street Southwest to the middle of the  
 Washington Channel;  
 thence generally south and east along the midchannel of the Washington  
 Channel to a point due west of the northern boundary line of Fort Lesley  
 McNair;  
 thence due east to the side of the Washington Channel;  
 thence following generally south and east along the side of the Washington  
 Channel at the mean high water mark, to the point of confluence with the  
 Anacostia River, and along the northern shore at the mean high water mark to  
 the northernmost point of the Eleventh Street Bridge;  
 thence generally south and east along the northern side of the Eleventh  
 Street Bridge to the eastern shore of the Anacostia River;  
 thence generally south and west along such shore at the mean high water  
 mark to the point of confluence of the Anacostia and Potomac Rivers;  
 thence generally south along the eastern shore at the mean high water  
 mark of the Potomac River to the point where it meets the present southeast-  
 ern boundary line of the District of Columbia;



thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary; and

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the National Capital Service Area is bounded by a street, the street and its sidewalks shall be included within that Area.

(C) The District Building shall, however, be part of the State.

## Section 2. Cooperation With Other Governments

With the consent of the House of Delegates, the Governor may enter into agreements or compacts for any public purpose with other governmental entities including other states and the United States. At the request of the United States and with the consent of the House of Delegates, the Governor shall negotiate contracts with the United States to provide police, fire, sanitation, and other services to foreign embassies and chanceries and to federal buildings and other federal property located in the State or in the National Capital Service Area.

## Section 3. Acceptance of Federal Funds

No taxes shall be imposed by the State upon any property now owned or hereafter acquired by the United States, unless the property becomes taxable because the United States disposes of it or consents to taxation. The State may accept from the United States grants and other payments, including payments in lieu of tax revenues that would be collected were the federal property in the State subject to taxation.

# ARTICLE XVII

## AMENDMENT AND REVISION

### Section 1. Introduction

Amendments to this Constitution may be proposed by the House of Delegates, an initiative, or a constitutional convention.

### Section 2. The House of Delegates

The House of Delegates may propose an amendment by the affirmative votes of two-thirds of all members. The Lieutenant Governor shall distribute the proposed amendment no less than 90 days before the next appropriate election.

The Lieutenant Governor shall then place the proposed amendment on the ballot.

The amendment shall take effect immediately after certification that it received a majority vote, unless otherwise provided in the amendment.

### Section 3. The Initiative

The voters of the State may propose an amendment by initiative as prescribed by this Constitution.

#### Section 4. The Constitutional Convention

(A) *Call* The voters of the State may, by the initiative, call for a constitutional convention at any time. The convention may propose amendments or revisions to the Constitution. The Lieutenant Governor shall distribute the proposed amendment or amendments no less than 90 days before the next appropriate election. The Lieutenant Governor shall then place the amendment or amendments on the ballot. The proposed amendment or amendments shall take effect immediately after certification of a majority vote.

(B) *Decennial Review* If within ten years following the date this Constitution enters into force the people do not file an initiative to call a constitutional convention, the Lieutenant Governor shall place on the ballot at the next general election a referendum consisting of the question: "Shall there be a constitutional convention?" Thereafter, the same requirement shall hold for every succeeding ten-year period.

(C) *Preparatory Commission* After an affirmative vote to hold a constitutional convention, the Governor shall provide for a preparatory commission to assemble information on constitutional issues and to organize administrative support for the convention.

(D) *Delegates* Each legislative district shall elect an equal number of delegates to the constitutional convention.

#### Section 5. Conflicting Amendments

If provisions of two or more amendments approved at the same election conflict, those of the amendment receiving the highest affirmative vote shall prevail.

#### Section 6. Disapproval of Amendments

If an amendment is disapproved neither that amendment nor any substantially similar amendment shall be submitted to the voters for a period of two years.

#### Section 7. Enabling Legislation

This article shall be self-executing, but enabling legislation may be enacted.

### ARTICLE XVIII

#### TRANSITION

##### Section 1. Effective Dates

The provisions of Sections 1 through 3 of this Article, providing for the establishment of the first government of the State, shall enter into force on a date specified in the federal legislation admitting the State to the Union. The State shall come into being and the remainder of this Constitution shall enter into force at 10:00 A.M., Eastern Standard Time, on the second day of the tenth full month after that date.

## Section 2. Initial Apportionment and Elections

(A) *Commission* Immediately following the enactment of legislation admitting this State to the Union, the Mayor of the District of Columbia shall initiate appointment of a Commission and the Council of the District of Columbia shall provide election procedures. The Mayor of the District of Columbia shall issue a Proclamation and shall promptly appoint, with the advice and consent of the members of the Council, nine members of a Commission of Initial Apportionment, including at least one member from each of the eight wards of the District. The members and staff of the Commission shall be compensated as provided by law. The Commission shall, within thirty days after its last member is appointed, apportion the State into 40 legislative districts in a manner consistent with Section 3 of Article XIV of this Constitution.

(B) *First Elections* By law, the Council of the District of Columbia shall provide for the election of the House of Delegates, Governor, and Lieutenant Governor of the State. Regular or special primary and general elections shall be held for these offices within 120 days after the initial apportionment plan enters into force, except that these elections shall not take place during July or August or before September 15th. The 120-day limitation may be extended, if necessary, in order to avoid having to hold these elections during those months.

## Section 3. Initial Terms of Office of Delegates, the Governor, and Lieutenant Governor

(A) *Staggered Terms for Delegates* At a public drawing within five days after the initial apportionment plan has entered into force, the Chair of the Commission on Apportionment shall select, at random, half of the legislative districts to be Group A districts. The initial terms of office of members of the House of Delegates elected from Group A districts shall begin 20 days after the date of certification of their elections and shall expire on the second Monday in January of the second odd-numbered year following their election. The initial terms of office of members of the House of Delegates elected from other districts shall begin 20 days after the date of certification of their election and shall expire on the second Monday in January of the first odd-numbered year following their election; except that if this provision would result in a term shorter than one year, their terms shall expire on the second Monday in January of the third odd-numbered year following their election.

(B) *Governor and Lieutenant Governor* The terms of office of the first Governor and the first Lieutenant Governor shall begin 20 days after certification of their elections and shall expire on the second day of January following the date of the next Presidential election. If this provision would result in terms shorter than one year, their terms shall expire on the second day of January of the year after the second Presidential election year following their election.

(C) *Holdover Term for Mayor* If the first election for Governor of the State has not been held by the date that the State comes into being, or if for any other reason a Governor cannot assume office on that date, the Executive power of the State shall be exercised temporarily by the person last elected as Mayor of



the District of Columbia prior to the effective date of this Section of the Constitution.

(D) *Holdover Term for Council Members* If the first election for State Delegates has not been held by the date that the State comes into being, or if for any other reason the members of the House of Delegates cannot assume office on that date, the legislative power of the State shall be exercised temporarily by the persons last elected as members of the Council of the District of Columbia prior to the effective date of this Section of the Constitution.

(E) *No Interim Elections* No new election for Mayor or Council shall be held after this Section of the Constitution becomes effective. If such an election would ordinarily be scheduled between the date when this Article of the Constitution becomes effective and the date when the other Articles of the Constitution become effective, the Mayor and the Council shall hold over.

(F) *Eligibility for Re-election* The first term of the Governor and Lieutenant Governor shall count as a full term for the purposes of determining eligibility for re-election only if it is of four-year duration or longer.

#### Section 4. Judiciary and Other Officers

(A) *Judges* The Chief Judge and Associate Judges of the Court of Appeals of the District of Columbia on the date when this section enters into force shall become the Chief Justice and Associate Justices of the Supreme Court of the State. The Chief Judge and Associate Judges of the Superior Court of the District of Columbia on that date shall become the Chief Judge and Associate Judges of the Superior Court of the State. At the general election held in the final year of their terms, such judges shall be subject to retention or rejection by the voters in accordance with the provisions of Article IV. Retired Judges of the Court of Appeals of the District of Columbia and of the Superior Court of the District of Columbia shall become Retired Justices of the Supreme Court of the State and Retired Judges of the Superior Court of the State, respectively. They may be assigned by the Chief Justice for temporary service.

(B) *Judicial Nomination Commission* The terms of seven of the members first appointed to the Judicial Nomination Commission shall be shorter than six years, as provided by law, so that terms of members will expire on a staggered basis. The Governor of the State and the Board of Governors of the Unified State Bar shall determine, for their initial appointments, which appointees shall serve which terms.

(C) *Commission on Judicial Disabilities and Tenure* The persons first selected as members of the Commission on Judicial Disabilities and Tenure shall begin to serve their terms upon the expiration of the terms of corresponding incumbent members of the Commission on Judicial Disabilities and Tenure established by Section 431 of the District of Columbia Self-Government and Reorganization Act (Dec. 24, 1973, 87 Stat. 792).

(D) *Marshals* By agreement between the State and the United States, the United States Marshal may provide services to the courts of the State until the State has appointed its own officers to provide these services.

(E) *Other Officers* Except as otherwise provided in this Constitution, all other officers filling any office by election or appointment shall continue to exercise their duties, according to their respective commissions or appointments, until their offices shall have been abolished or their successors have assumed office.

## Section 5. Existing Laws, Rights, and Proceedings

(A) *Laws and Regulations* All laws and regulations of the District of Columbia not inconsistent with this Constitution shall continue in force until they expire by their own limitation or are amended or repealed.

(B) *Congressional Legislation* Legislation passed by Congress applicable only to the District of Columbia and not inconsistent with this Constitution is hereby adopted as state law, subject to amendment or repeal by the House of Delegates.

(C) *Legal Continuity* All existing writs, actions, suits, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as modified in accordance with the provisions of this Constitution. The State shall be the legal successor to the District of Columbia in all matters.

(D) *Residence and Qualifications* Residence, citizenship, or other qualifications under the District of Columbia may be used toward the fulfillment of corresponding qualifications required by this Constitution.

(E) *Debts, Assets, and Records* The debts and liabilities of the District of Columbia, as of the date that the State comes into being, shall be assumed by the State, and debts owed to the District of Columbia shall be collected by the State. Assets and records of the District of Columbia shall become the property of the State.

## Section 6. United States Senators and Representatives

(A) *Senators-Elect and Representatives-Elect* The Senators-elect and Representatives-elect chosen by the people prior to admission of the State to the Union shall serve as United States Senators and Representatives in Congress until their successors have assumed office.

(B) *First Elections* New elections for these offices shall be held at the first general election which occurs in an even-numbered year after this Constitution becomes effective.

(C) *Staggered Terms for Senators* At that time, one Senator shall be elected for the long term and one Senator for the short term. Each term shall begin on the third day of the following January and shall expire on the third day of January in an odd-numbered year to be determined by authority of the United States.

## Section 7. Agencies With Federally-Appointed Officers

Boards, commissions, or other agencies of the District of Columbia, the duties of which are consistent with this Constitution and the membership of

which includes persons who hold office because they also hold or were appointed by persons who hold federal office, shall continue to function without those Federally-appointed officers. No vacancies shall be deemed to be created by the abolition of the Federal positions.

#### Section 8. Transfer of Matters to the Attorney General

Upon assuming office, the Attorney General of the State shall assume control of all matters formerly handled by the Corporation Counsel of the District of Columbia.

When the Attorney General is prepared to handle legal matters of the type previously handled by the United States Attorney for the District of Columbia, the Attorney General shall arrange with the United States Attorney for the orderly transfer of such matters to the Office of the Attorney General. The House of Delegates may limit the time within which matters shall be transferred.

The Attorney General may agree with the United States Attorney to enable the United States Attorney to continue to handle any case or category of cases, including any case arising after this Constitution becomes effective, so that responsibility over these matters is transferred in an orderly manner. To facilitate continuity, the Attorney General may also agree to permit the United States Attorney to complete any case.

Until a matter is transferred at the request of the Attorney General, it may be handled by the United States Attorney as if it had been transferred to the Attorney General.

#### Section 9. Amendments Before the Constitution Enters into Force

After the voters have approved it and before Article XVII enters into force, amendments to this Constitution may be adopted by the voters of the District of Columbia after affirmative recommendation by a District of Columbia Statehood Constitutional Convention or by a two-thirds vote of the Council of the District of Columbia. This Section shall take effect when the Constitution is approved by the voters.



# CONSTITUTION FOR THE STATE OF NEW COLUMBIA

(Enacted 1987)

## Article I. Bill of Rights

- § 101. Freedom of religion, of speech, and of the press.
- § 102. Right to keep and bear arms.
- § 103. Quartering of soldiers.
- § 104. Security from unwarrantable search and seizure.
- § 105. Rights of accused in criminal proceedings.
- § 106. Right to speedy trial, witnesses, etc.
- § 107. Trial by jury in civil cases.
- § 108. Bails, fines, punishments.
- § 109. Reservation of rights of the people.
- § 110. Equal protection.

## Article II. Legislative Power; Constitutional Amendment Procedure

- § 201. Legislative power.
- § 202. Constitution amending procedure.

## Article III. The Legislative Branch

- § 301. Creation and membership.
- § 302. Qualifications for holding office.
- § 303. Compensation.
- § 304. Powers of the House of Delegates.
- § 305. The President of the House of Delegates.
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## Article IV. The Executive Branch

- § 401. Election; qualification; vacancy; compensation.
- § 402. Powers and duties.
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- § 404. Establishment of the Office of Attorney General.

## Article V. The Judicial Branch

- § 501. Judicial powers.
- § 502. Removal; suspension; involuntary retirement.
- § 503. Nomination and appointment of judges.
- § 504. State of New Columbia Judicial Nomination Commission.

## Article VI. Budget and Financial Management

- § 601. Fiscal year.
- § 602. Submission of annual budget.
- § 603. Multiyear plan.
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- § 607. Consistency of budget, accounting, and personnel systems.
- § 608. Financial duties of the Governor.
- § 609. Accounting supervision and control.
- § 610. General and special funds.
- § 611. Contracts extending beyond one year.
- § 612. Annual budget for the Board of Education.
- § 613. State of New Columbia Auditor.

## Article VII. Borrowing

- § 701. State of New Columbia's authority to issue and redeem general obligation bonds for capital projects.
- § 702. Contents of borrowing legislation and elections on issuing general obligation bonds.
- § 703. Publication of borrowing legislation.
- § 704. Short period of limitation.
- § 705. Issuance of general obligation bonds.
- § 706. Public or private sale.
- § 707. Authority to create security interests in State of New Columbia revenues.
- § 708. Borrowing to meet appropriations.
- § 709. Borrowing in anticipation of revenues.
- § 710. Notes redeemable prior to maturity.
- § 711. Sales of notes.
- § 712. Special tax.
- § 713. Full faith and credit of State of New Columbia pledged.
- § 714. Payment of the general obligation bonds and notes.
- § 715. Tax exemption.
- § 716. Legal investment.
- § 717. Financing of State of New Columbia contributions by general obligation bonds.
- § 718. Revenue bonds and other obligations.
- § 719. Limitations on borrowing and spending.

## Article VIII. Independent Agencies

- § 801. Board of Elections and Ethics.
- § 802. Zoning Commission.

## CONSTITUTION FOR THE STATE OF NEW COLUMBIA

§ 803. Public Service Commission.

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voir; contract payments; appropriations.

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### Article IX. Initiative; Referendum; Recall

§ 901. Definitions.

§ 902. Process.

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### Article X. Miscellaneous

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§ 1101. Transfer of the offices of members of the Council of the District of Columbia, Chairman of the Council of the District of Columbia, and Mayor of the District of Columbia.

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§ 1104. Pending actions and proceedings.

§ 1105. Laws in force.

§ 1106. Personnel rights.

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§ 1108. Residency and qualifications.

§ 1109. Adjustments.

§ 1110. Voting rights.

### Article XII. Rules Of Construction

§ 1201. Construction of constitution.

## PREAMBLE

This constitution, to be known as the Constitution for the State of New Columbia, shall establish the means of governance of the State of New Columbia.

## ARTICLE I. BILL OF RIGHTS

### Sec. 101. Freedom of religion, of speech, and of the press

The State of New Columbia shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

### Sec. 102. Right to keep and bear arms

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed.

### Sec. 103. Quartering of soldiers

No soldier shall, in time of peace be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

### Sec. 104. Security from unwarrantable search and seizure

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or

affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Sec. 105. Rights of accused in criminal proceedings

No person shall be held to answer for a felony offense, unless on a presentment or indictment of a grand jury; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself or herself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

Sec. 106. Right to speedy trial, witnesses, etc

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him or her; to have compulsory process for obtaining witnesses in his or her favor, and to have the assistance of counsel for his or her defense.

Sec. 107. Trial by jury in civil cases

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the State of New Columbia, than according to the rules of the common law.

Sec. 108. Bails, fines, punishments

Excessive bail shall not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 109. Reservation of rights of the people

The enumeration in this constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Sec. 110. Equal protection

The State of New Columbia shall not deny to any person within its jurisdiction the equal protection of the law.

ARTICLE II. LEGISLATIVE POWER; CONSTITUTIONAL AMENDMENT  
PROCEDURE

Sec. 201. Legislative power

The legislative power of the State of New Columbia shall extend to all rightful subjects of legislation within the State of New Columbia consistent with the Constitution of the United States and the provisions of this constitu-



tion subject to all the restrictions and limitations imposed upon the states by the 10th section of the first article of the Constitution of the United States.

Sec. 202. Constitution amending procedure

(a) The constitution may be amended by an act passed by the affirmative vote of two-thirds of the members of the House of Delegates and ratified by a majority of the registered qualified electors of the State of New Columbia voting in the referendum held for such ratification.

(b) An amendment to the constitution ratified by the registered electors shall take effect on the date the Board of Elections and Ethics certifies that such act was ratified by a majority of the registered qualified electors voting thereon or upon the date prescribed by such amendment, whichever is later.

ARTICLE III. THE LEGISLATIVE BRANCH

Sec. 301. Creation and membership

(a) The legislative power of the State of New Columbia shall be vested in the legislature, which shall be called the House of Delegates and which shall be elected by the registered qualified electors of the State of New Columbia.

(b)(1) Except as provided in section 1101(c), the House of Delegates established under subsection (a) of this section shall consist of 25 members elected on a partisan basis. The President of the House of Delegates and 8 members shall be elected at large in the State of New Columbia, and 16 members shall be elected from the districts established, from time to time, under the State of New Columbia election laws. The term of office of the members of the House of Delegates shall be 4 years, and shall begin at noon on January 2nd of the year following their election.

(2) To fill a vacancy in the Office of President of the House of Delegates, the Board of Elections and Ethics shall hold a special election in the State of New Columbia on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected President of the House of Delegates to fill a vacancy in the Office of President of the House of Delegates shall take office on the day in which the Board of Elections and Ethics certifies his or her election, and shall serve as President of the House of Delegates only for the remainder of the term during which such vacancy occurred. When the Office of President of the House of Delegates becomes vacant, the House of Delegates shall select 1 of the elected at-large members of the House of Delegates to serve as President of the House of Delegates and 1 to serve as President of the House of Delegates pro tempore until the election of a new President of the House of Delegates.

(c) The House of Delegates may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the House of Delegates.

(d)(1) In the event of a vacancy in the House of Delegates of a member elected from a district, the Board of Elections and Ethics shall hold a special election in such district to fill such vacancy on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the House of Delegates shall take office on the day on which the Board of Elections and Ethics certifies his or her election, and shall serve as a member of the House of Delegates only for the remainder of the term during which such vacancy occurred.

(2) In the event of a vacancy in the House of Delegates of a member elected at large, other than a vacancy in the Office of President of the House of Delegates, who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the Board of Elections and Ethics can hold a special election to fill such vacancy, and such special election shall be held on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise be held under the provisions of this subsection. The person appointed to fill such vacancy shall take office on the date of his or her appointment and shall serve as a member of the House of Delegates until the day on which the Board certifies the election of the member elected to fill such vacancy in either a special election or a general election. The person elected as a member to fill such a vacancy on the House of Delegates shall take office on the day on which the Board of Elections and Ethics certifies his or her election, and shall serve as a member of the House of Delegates only for the remainder of the term during which such vacancy occurred. With respect to a vacancy on the House of Delegates of a member elected at large who is not affiliated with any political party, the House of Delegates shall appoint a similarly non-affiliated person to fill such vacancy until such vacancy can be filled in a special election in the manner prescribed in this paragraph. Such person appointed by the House of Delegates shall take office and serve as a member at the same time and for the same term as a member appointed by a central committee of a political party.

(3) Notwithstanding any other provision of this section, at no time shall there be more than 7 members (including the President of the House of Delegates) serving at large on the House of Delegates who are affiliated with the same political party.

## Sec. 302. Qualifications for holding office

No person shall hold the office of member of the House of Delegates, including the Office of President of the House of Delegates, unless he or she: (1)



Is a qualified elector; (2) is domiciled in the State of New Columbia and if he or she is nominated for election from a particular district, resides in the district from which he or she is nominated; (3) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for such office is to be held; and (4) holds no public office (other than his or her employment in and position as a member of the House of Delegates), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the House of Delegates, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than 30 days. A member of the House of Delegates shall forfeit his or her office upon failure to maintain the qualifications required by this section, and, in the case of the President of the House of Delegates, section 303(c).

#### Sec. 303. Compensation

(a) Each member of the House of Delegates shall receive compensation, payable in periodic installments, at the rate set up by the House of Delegates and the House of Delegates may, by act, increase or decrease such rate of compensation. Such change in compensation, upon enactment by the House of Delegates in accordance with the provisions of this constitution, shall apply with respect to the term of members of the House of Delegates beginning after the date of enactment of such change.

(b) All members of the House of Delegates shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the House of Delegates.

(c) The President of the House of Delegates shall receive, in addition to the compensation to which he or she is entitled as a member of the House of Delegates, \$10,000 per annum, payable in equal installments, for each year he serves as President of the House of Delegates, but the President of the House of Delegates shall not engage in any employment (whether as an employee or as a self-employed individual) or hold any position (other than his or her position as President of the House of Delegates), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith.

#### Sec. 304. Powers of the House of Delegates

(a) The legislative power granted to the State of New Columbia by this constitution is vested in and shall be exercised by the House of Delegates in accordance with this constitution. In addition, except as otherwise provided in this constitution, all functions granted to or imposed upon, or vested in or transferred to the Council of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act,



shall be carried out by the House of Delegates in accordance with the provisions of this constitution.

(b) The House of Delegates shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the State of New Columbia and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The House of Delegates shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the House of Delegates.

(d) Every act shall be published and codified upon becoming law as the House of Delegates may direct.

(e) An act passed by the House of Delegates shall be presented by the President of the House of Delegates to the Governor, who shall, within 10 calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him or her, either approve or disapprove such act. If the Governor shall approve such act, the Governor shall indicate the same by affixing his or her signature thereto, and such act shall become law. If the Governor shall disapprove such act, the Governor shall, within 10 calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him or her, return such act to the House of Delegates setting forth in writing his or her reasons for such disapproval. If any act so passed shall not be returned to the House of Delegates by the Governor within 10 calendar days after it shall have been presented to the Governor, the Governor shall be deemed to have approved it, and such act shall become law unless the House of Delegates by a recess of 10 days or more prevents its return, in which case it shall not become law. If, within 30 calendar days after an act has been timely returned by the Governor to the House of Delegates with his or her disapproval, two-thirds of the members of the House of Delegates present and voting vote to reenact such act, the act so reenacted shall become law.

(f) In the case of any budget act adopted by the House of Delegates pursuant to section 606 and submitted to the Governor in accordance with subsection (e) of this section, the Governor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Governor so disapproves of any item or provision, he or she shall append to the act when he or she signs it a statement of the item or provision which he or she disapproves, and shall, within such 10-day period, return a copy of the act and statement with his or her objections to the House of Delegates. If, within 30 calendar days after any such item or provision so disapproved has been timely returned by the Governor to the House of Delegates, two-thirds of the members of the House of Delegates present and voting vote to reenact any such item or provision, such item or provision so reenacted shall become law. In any case in which the Governor fails to timely return any such item or provision so disapproved to the House of Delegates, the Governor shall be deemed to have approved such item or provision not returned and such item or provision not returned shall become law.

Sec. 305. The President of the House of Delegates

(a) The President of the House of Delegates shall be the presiding officer of the House of Delegates.

(b) When the Office of Governor is vacant, the President of the House of Delegates shall act in the Governor's stead. While the President of the House of Delegates is acting Governor he or she shall not exercise any of his or her authority as President of the House of Delegates or member of the House of Delegates.

Sec. 306. Acts; resolutions; requirements for quorum

(a)(1) The House of Delegates, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the House of Delegates present and voting, unless otherwise provided in this constitution or by the House of Delegates. Except as provided in paragraph (3) of this subsection, the House of Delegates shall use acts for all legislative purposes. Each proposed act (other than an act to which section 606 applies) shall be read twice in substantially the same form, with at least 13 days intervening between each reading.

(2) Upon final adoption by the House of Delegates each act shall be made immediately available to the public in a manner which the House of Delegates shall determine. If the House of Delegates determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed 90 days.

(3) Resolutions shall be used (A) to express simple determinations, decisions, or directions of the House of Delegates of a special or temporary character; and (B) to approve or disapprove proposed actions of a kind historically or traditionally transmitted by the Mayor of the District of Columbia, the Board of Elections and Ethics, Public Service Commission, Armory Board, Board of Education, the Board of Trustees of the University of the State of New Columbia, or the Convention Center Board of Directors to the Council of the District of Columbia pursuant to an act. Such resolutions must be specifically authorized by that act and must be designed to implement that act.

(b) A special election may be called by resolution of the House of Delegates to present for an advisory referendum vote of the people any proposition upon which the House of Delegates desires to take action.

(c) A majority of the House of Delegates shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the House of Delegates, except a lesser number may hold hearings.

Sec. 307. Investigations by the House of Delegates

(a) The House of Delegates, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the State of New Columbia, and for that purpose may require the attendance and

testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the House of Delegates (if the House of Delegates is conducting the inquiry) or any member of the committee may issue subpoenas, and administer oaths upon resolution adopted by the House of Delegates or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpoena issued to, any person, the House of Delegates by resolution may seek from the Superior Court of the State of New Columbia an order requiring such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpoena issued in a case pending before such Court.

#### Sec. 308. Limitations on the House of Delegates

The House of Delegates shall have no authority to pass any act contrary to the provisions of this constitution except as specifically provided in this constitution, or to

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the State of New Columbia;

(4) enact any act, resolution or rule which permits the building of any structure within the State of New Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910, and in effect on the date of enactment of this constitution;

(5) enact any act or regulation relating to any court of the United States, or relating to the duties or powers of any United States attorney or any United States Marshal for the State of New Columbia.

#### Sec. 309. House of Delegates authority over elections

Notwithstanding any other provision of this constitution or of any other law, the House of Delegates shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the State of New Columbia.

### ARTICLE IV. THE EXECUTIVE BRANCH

#### Sec. 401. Election; qualification; vacancy; compensation

(a) The executive power of the State of New Columbia shall be vested in the Governor who shall be responsible for the faithful execution of the laws relating to the State of New Columbia and who shall be elected by the registered qualified electors of the State of New Columbia.

(b) The Governor, established by subsection (a) of this section, shall be elected, on a partisan basis, for a term of 4 years beginning at noon on January 2nd of the year following his or her election.



(c)(1) No person shall hold the Office of Governor unless he or she: (A) Is a qualified elector; (B) has resided and been domiciled in the State of New Columbia for 1 year immediately preceding the day on which the general or special election for Governor is to be held; and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his or her employment in and position as Governor), for which he or she is compensated in an amount in excess of his or her actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Governor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than 30 days. The Governor shall forfeit his or her office upon failure to maintain the qualifications required by this paragraph.

(2) To fill a vacancy in the Office of Governor, the Board of Elections and Ethics shall hold a special election in the State of New Columbia on the 1st Tuesday occurring more than 114 days after the date on which such vacancy occurs, unless the Board of Elections and Ethics determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the State of New Columbia occurring within 60 days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Governor to fill a vacancy in the Office of Governor shall take office on the day on which the Board of Elections and Ethics certifies his or her election, and shall serve as Governor only for the remainder of the term during which such vacancy occurred. When the Office of Governor becomes vacant the President of the House of Delegates shall become acting Governor and shall serve from the date such vacancy occurs until the date on which the Board of Elections and Ethics certifies the election of the new Governor at which time he or she shall again become President of the House of Delegates. While the President of the House of Delegates is acting Governor, the President of the House of Delegates shall receive the compensation regularly paid the Governor, and shall receive no compensation as President of the House of Delegates or member of the House of Delegates. While the President of the House of Delegates is acting Governor, the House of Delegates shall select one of the elected at-large members of the House of Delegates to serve as President of the House of Delegates and one to serve as President of the House of Delegates pro tempore, until the return of the regularly elected President of the House of Delegates.

(d) The Governor shall receive compensation, payable in equal installments, at the rate of pay provided to the Mayor of the District of Columbia as of the effective date of this constitution with automatic annual increases at the percentage rate afforded to career service employees of the State of New Columbia not represented by collective bargaining unless the House of Delegates by act changes the rate. Such change in such compensation, upon enactment by the House of Delegates in accordance with the provisions of this

constitution, shall apply with respect to the term of Governor next beginning after the date of such change. In addition, the Governor may receive an allowance, in such amount as the House of Delegates may from time to time establish, for official, reception, and representation expenses, which he or she shall certify in reasonable detail to the House of Delegates.

(e) No person shall be elected Governor of the State of New Columbia for more than 2 consecutive terms. For purposes of this subsection, any person who fills a vacancy in the office of Governor for more than one half of the term to which another person was first elected shall be considered to have served one term.

## Sec. 402. Powers and duties

The Governor shall be the chief executive officer of the State of New Columbia government. In addition, except as otherwise provided in this constitution, all functions granted to or vested in the Mayor of the District of Columbia, as established by the District of Columbia Self-Government and Governmental Reorganization Act, shall be carried out by the Governor in accordance with this constitution. The Governor shall be responsible for the proper execution of all laws relating to the State of New Columbia, and for the proper administration of the affairs of the State of New Columbia coming under his or her jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Governor may designate the officer or officers of the executive department of the State of New Columbia who may, during periods of disability or absence from the State of New Columbia of the Governor, execute and perform the powers and duties of the Governor;

(2) The Governor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the Office of the Governor, personnel in executive departments of the State of New Columbia, and members of boards, commissions, and other agencies;

(3) The Governor shall, through the heads of administrative boards, offices, and agencies, supervise and direct the activities of such boards, offices, and agencies;

(4) The Governor may submit drafts of acts to the House of Delegates;

(5) The Governor may delegate any of his or her functions (other than the function of approving or disapproving acts passed by the House of Delegates) to any officer, employee, or agency of the executive office of the Governor, or to any director of an executive department who may, with the approval of the Governor, make a further delegation of all or a part of such functions to subordinates under his or her jurisdiction;

(6) The Governor, as custodian thereof, shall use and authenticate the corporate seal of the State of New Columbia in accordance with law;

(7) The Governor shall appoint a State of New Columbia Administrator, who shall serve at the pleasure of the Governor. The State of New Columbia Administrator shall be the chief administrative officer of the Governor, and



shall assist the Governor in carrying out the Governor's functions under this constitution, and shall perform such other duties as may be assigned to him or her by the Governor.

(8) The Governor shall have the right, under rules to be adopted by the House of Delegates, to be heard by the House of Delegates or any of its committees;

(9) The Governor is authorized to issue and enforce administrative orders, not inconsistent with this constitution, or with any act of the House of Delegates, as are necessary to carry out his or her functions and duties;

(10) The Governor may reorganize the offices, agencies, and other entities within the executive branch of the government of the State of New Columbia by submitting to the House of Delegates a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the House of Delegates does not adopt, within 60 days (excluding Saturdays, Sundays, and holidays) after such reorganization plan is submitted to it by the Governor, a resolution disapproving such reorganization; and

(11) The Governor shall have plenary power to grant pardons, commutations, and reprieves, and to remit fines and forfeitures, for all offenses against the laws of the State of New Columbia.

#### Sec. 403. State planning

(a) The Governor shall be the central planning agency for the State of New Columbia. The Governor shall be responsible for the coordination of planning activities of the state government and the preparation and implementation of the State of New Columbia's elements of the comprehensive plan for the National Capital which may include land use elements, urban renewal and redevelopment elements, a multi-year program of public works for the State of New Columbia, and physical, social, economic, transportation, and population elements. In carrying out his or her responsibilities under this section, the Governor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any state or local government or planning agency in the National Capital region affected by any aspect of a proposed State of New Columbia element of the comprehensive plan (including amendments thereto) affecting or relating to the State of New Columbia.

(b) The Governor shall submit the State of New Columbia's elements and amendments thereto to the House of Delegates for revision or modification, and adoption by act, following public hearings.

#### Sec. 404. Establishment of the Office of Attorney General

(a)(1) There is established within the State of New Columbia government an Office of the Attorney General for the State of New Columbia headed by an Attorney General.

(2) The Attorney General shall be appointed by the Governor with the advice and consent of the House of Delegates. The Attorney General shall serve at the pleasure of the Governor for a term of 4 years coterminous with the term



of the office of the Governor as set by section 401. At the expiration of the term of office of the Attorney General, the Governor may appoint an Acting Attorney General to serve for no longer than 120 days. If the Governor fails to submit a nomination for Attorney General within 60 days of the expiration of the prior Attorney General's term of office, the Governor shall be deemed to have submitted the nomination of the Acting Attorney General to the House of Delegates for appointment pursuant to this subsection.

(3) A vacancy in the office of the Attorney General shall be filled in the same manner in which the original appointment is made. Any person so appointed to fill such a vacancy shall serve only for the remainder of the unexpired term of his or her predecessor.

(4) No person may be nominated as Attorney General of the State of New Columbia unless he or she:

(A) Is a citizen of the United States;

(B) Is an active member of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals and, for the five years immediately preceding nomination, has been engaged in the active practice of law in the State of New Columbia, has been on the faculty of a law school in the State of New Columbia, or has been employed as a lawyer by the United States or the State of New Columbia government; and

(C) Is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least ninety days immediately prior to nomination, and shall retain such residency as long as he or she serves as such Attorney General of the State of New Columbia.

(5) The Attorney General for the State of New Columbia shall be the chief legal officer for the State of New Columbia and have charge of all law business of the State of New Columbia. In the performance of such duties he or she shall:

(A) Have charge of the prosecution of all violations of the laws of the State of New Columbia;

(B) Have charge and conduct of all civil actions, suits or proceedings instituted by and against the State of New Columbia or its agencies or entities (including the independent agencies upon their request), or in which the State of New Columbia is concerned, including all actions in which the constitutionality or validity of the laws of the State of New Columbia are challenged;

(C) Render written legal opinions and advice to the Governor, the House of Delegates, and the heads of agencies and entities of the State of New Columbia government (including the independent agencies upon their request), which opinions, in the absence of specific action by the Governor or act of the House of Delegates to the contrary, or until overruled by controlling court decision, shall be the guiding statement of law, to be followed by all State of New Columbia executive branch officers and employees in the performance of their official duties;

(D) Render, upon request, written legal opinions and advice on matters pertaining to the State of New Columbia to the President and Congress of the United States;

(E) Make recommendations to the Governor with respect to the pardon or the commutation of the sentences of persons convicted of crimes against the State of New Columbia;

(F) Develop criminal justice and law enforcement policies and assist the Governor, as directed, in the implementation of these policies;

(G) Perform all functions granted to or vested in the Corporation Counsel of the District of Columbia by law prior to the effective date of this constitution;

(H) Have the authority to appoint special counsel for a particular purpose or designated proceeding and to determine the compensation, powers, duties, and the length and manner of service of such special counsel; and

(I) Perform such other functions that the Governor may from time to time delegate to him or her.

(b) All prisoners convicted in a State of New Columbia court for any offense, including violations of municipal regulations and ordinances, shall be committed for their terms of imprisonment, and to such types of institutions as the court may direct, to the custody of the Attorney General of the State of New Columbia or his or her authorized representative, who shall designate the places of confinements where the sentences of all such persons shall be served.

(c) The Attorney General for the State of New Columbia shall appoint a Marshal of the State of New Columbia who will assist the courts of the State of New Columbia and whose duties shall be as more fully prescribed by the House of Delegates.

## ARTICLE V. THE JUDICIAL BRANCH

### Sec. 501. Judicial powers

(a) The judicial power of the State of New Columbia is vested in the State of New Columbia Court of Appeals and the Superior Court of the State of New Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the State of New Columbia and of any criminal case under any law applicable exclusively to the State of New Columbia. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Governor, the House of Delegates, or any agency of the State of New Columbia. The State of New Columbia courts shall also have jurisdiction over any other matters granted to the State of New Columbia courts by other provisions of law.

(b) The chief judge of a State of New Columbia court shall be designated by the State of New Columbia Judicial Nominating Commission established by section 504 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his or her successor is designated, except that his or her term as chief judge shall not extend beyond the chief judge's term as a judge of a State of New Columbia court. He or she shall be eligible for redesignation as chief judge.

(c) A judge of a State of New Columbia court shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy-four or removal, suspension, or involuntary retirement pursuant to section 502 and upon completion of such term, such judge shall continue to serve until reappointed or a successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 503.

(d)(1) There is established a State of New Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of five members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of 6 years.

(2) The Tenure Commission shall act only at meetings called by the Chair or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chair and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this constitution as may be necessary to govern the business of the Tenure Commission.

(4) The State of New Columbia government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its functions. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he or she:

(A) is a citizen of the United States;

(B) is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least ninety days immediately prior to appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States; and is not an officer or employee of the judicial branch of the United States, or an officer or employee of the State of New Columbia government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his or her predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the State of New Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) Two members shall be appointed by the governing body of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals, both of whom shall have been engaged in the practice of law in the



State of New Columbia for at least five successive years preceding their appointment.

(B) Two members shall be appointed by the Governor, one of whom shall not be a lawyer.

(C) One member shall be appointed by the House of Delegates, and shall not be a lawyer.

No person may serve at the same time on both the State of New Columbia Judicial Nomination Commission and on the State of New Columbia Commission on Judicial Disabilities and Tenure.

(f) Members of the Tenure Commission shall receive compensation at the rate provided by act of the House of Delegates while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a State of New Columbia court as provided in section 502 and to make recommendations regarding the appointment of senior judges of the State of New Columbia courts.

Sec. 502. Removal; suspension; involuntary retirement

(a)(1) A judge of a State of New Columbia court shall be removed from office upon the filing in the State of New Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the State of New Columbia.

(2) A judge of a State of New Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the State of New Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of —

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a State of New Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his or her judicial duties, and (2) the Tenure Commission files in the State of New Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a State of New Columbia court shall be suspended, without salary —

(A) upon—

(i) proof of his or her conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the State of New Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his or her salary and all rights and privileges of his or her office.

(2) A judge of a State of New Columbia court shall be suspended from all judicial duties, with such retirement salary as he or she may be entitled, upon the filing by the Tenure Commission of an order of involuntary retirement under subsection (b) in the State of New Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his or her judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his or her office.

(3) A judge of a State of New Columbia court shall be suspended from all or part of his or her judicial duties, with salary, if the Tenure Commission, upon concurrence of 3 members, (A) orders a hearing for the removal or retirement of the judge pursuant to this article and determines that his or her suspension is in the interest of the administration of justice, and (B) files an order of suspension in the State of New Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

#### Sec. 503. Nomination and appointment of judges

(a) Except as provided in section 504(d)(1), the Governor shall nominate, from the list of persons recommended to him or her by the State of New Columbia Judicial Nomination Commission established under section 504, and, by and with the advice and consent of the House of Delegates, appoint all judges of the State of New Columbia courts.

(b) No person may be nominated or appointed a judge of a State of New Columbia court unless he or she:

(1) is a citizen of the United States;

(2) is an active member of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals and, for the five years immediately preceding nomination, has been engaged in the active practice of law in the State of New Columbia, has been on the faculty of a law school in the State of New Columbia, or has been employed as a lawyer by the United States or the State of New Columbia government;

(3) is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least ninety days immediately prior to nomination, and shall retain such residency as long as he or she serves as such judge, except judges appointed prior to January 2, 1975, who retain residency as required at the time of their first



appointment shall not be required to be residents of the State of New Columbia to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the Governor, for such nomination and appointment, by the State of New Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to nomination, as a member of the Tenure Commission or of the State of New Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his or her term of office, any judge of the State of New Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his or her term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the Governor a written evaluation of the declaring candidate's performance during his or her present term of office and his or her fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commission determines the declaring candidate to be qualified for reappointment to another term, then the Governor may nominate such candidate, in which case the Governor shall submit to the House of Delegates for advice and consent the renomination of the declaring candidate as judge. If the Governor determines not to so nominate such declaring candidate, the Governor shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the Governor shall not submit to the House of Delegates for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a State of New Columbia court.

#### Sec. 504. State of New Columbia Judicial Nomination Commission

(a) There is established for the State of New Columbia the State of New Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of 5 members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years.

(b)(1) No person may be appointed to the Commission unless he or she:

(A) is a citizen of the United States;

(B) is a bona fide resident of the State of New Columbia and has maintained an actual place of abode in the State of New Columbia for at least 90 days immediately prior to appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States; and is not



an officer or employee of the judicial branch of the United States, or an officer or employee of the State of New Columbia government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his or her predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the State of New Columbia courts in accordance with section 503 of this constitution.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the State of New Columbia courts. Members of the Commission shall be appointed as follows:

(A) Two members shall be appointed by the governing body of the unified bar created pursuant to the rules of the State of New Columbia Court of Appeals, both of whom shall have been engaged in the practice of law in the State of New Columbia for at least five successive years preceding their appointment.

(B) Two members shall be appointed by the Governor, one of whom shall not be a lawyer.

(C) One member shall be appointed by the House of Delegates, and shall not be a lawyer.

(5) Members of the Commission shall receive compensation at the rate provided by act of the House of Delegates while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chair or a majority of the Commission held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chair, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this constitution as may be necessary to govern the business of the Commission.

(3) The State of New Columbia government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a State of New Columbia court, the Commission shall, within thirty days following the occurrence of such vacancy, submit to the Governor, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the Governor may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the Governor not less than thirty days prior to the

occurrence of such vacancy. In the event the Governor fails to nominate, for House of Delegates confirmation, one of the persons on the list submitted to him or her under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the House of Delegates, appoint one of those persons to fill the vacancy for which such list was originally submitted to the Governor.

(2) In the event any person recommended by the Commission to the Governor requests that his or her recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the State of New Columbia courts, the Commission shall promptly recommend to the Governor one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 503.

## ARTICLE VI. BUDGET AND FINANCIAL MANAGEMENT

### Sec. 601. Fiscal year

The House of Delegates shall provide by act the fiscal year of the State of New Columbia.

### Sec. 602. Submission of annual budget

(a) At such time as the House of Delegates may direct, the Governor shall prepare and submit to the House of Delegates each year, and make available to the public, an annual budget for the State of New Columbia government which shall include:

(1) The budget for the forthcoming fiscal year in such detail as the Governor determines necessary to reflect the actual financial condition of the State of New Columbia government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures resulting from financial transactions undertaken on either an obligation or cash outlay basis, for such fiscal year shall not exceed estimated resources from existing sources and proposed resources;

(2) An annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding 3 fiscal years;

(3) A multiyear plan for all agencies of the State of New Columbia government as required under section 603;

(4) A multiyear capital improvements plan for all agencies of the State of New Columbia government as required under section 604;

(5) A program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as

many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the State of New Columbia Auditor;

(6) An issue analysis statement consisting of a reasonable number of issues, identified by the House of Delegates in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Governor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) A summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Governor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the House of Delegates, the State of New Columbia Auditor, the State of New Columbia Board of Elections and Ethics, the State of New Columbia Judicial Nomination Commission, the Zoning Commission of the State of New Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Governor from time to time may prepare and submit to the House of Delegates such proposed supplemental or deficiency budget recommendations as in his or her judgment are necessary on account of laws enacted after transmission of the budget or are otherwise in the public interest. The Governor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures in excess of estimated resources, the Governor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

#### Sec. 603. Multiyear plan

The Governor shall prepare and include in the annual budget a multiyear plan for all agencies included in the State of New Columbia budget, for all sources of funding, and for such program categories as the Governor identifies. Such plan shall be based on the actual experience of the immediately preceding 3 fiscal years, on the approved current fiscal year budget, and on estimates for at least the 4 succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying:

(1) Future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) Future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) Future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding 4 fiscal years;

(4) The effects of current and proposed capital projects on future operating budget requirements;



(5) Revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) The specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) The actuarial status and anticipated costs and revenues of retirement systems covering State of New Columbia employees; and

(8) Total debt service payments in each fiscal year in which debt service payments must be made for all bonds which have been or will be issued, and all loans which have been or will be received, to finance the total cost on a full funding basis of all projects listed in the capital improvements plan prepared under section 604; and for each such fiscal year, the percentage relationship of the total debt service payments to the bonding limitation for the current and forthcoming fiscal year as specified in section 719(b).

#### Sec. 604. Multiyear capital improvements plan

The Governor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the State of New Columbia which shall be based upon the approved current fiscal year budget and shall include:

(1) The status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least 4 fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) An analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Governor as the central planning agency for the State of New Columbia pursuant to section 402;

(3) Identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project identified; and

(4) Appropriate maps or other graphics.

#### Sec. 605. State of New Columbia courts' budget

The State of New Columbia courts shall prepare and annually submit to the Governor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the State of New Columbia court system. All such estimates shall be forwarded by the Governor to the House of Delegates, for its action pursuant to sections 606 and 719(b), without revision but subject to his or her recommendations. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the State of New Columbia Auditor.

#### Sec. 606. Adoption of budget by House of Delegates

The House of Delegates, within 50 calendar days after receipt of the budget

proposal from the Governor, and after public hearing, shall by act adopt the annual budget for the State of New Columbia government. Any supplements thereto shall also be adopted by act by the House of Delegates after public hearing. No amount may be obligated or expended by any officer or employee of the State of New Columbia government unless such amount has been approved by act of the House of Delegates, and then only according to such act.

Sec. 607. Consistency of budget, accounting, and personnel systems

The Governor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by act of the House of Delegates. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the act of the House of Delegates authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable acts of the House of Delegates and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

Sec. 608. Financial duties of the Governor

(a) Subject to the limitations in section 719, the Governor shall have charge of the administration of the financial affairs of the State of New Columbia and to that end the Governor shall:

(1) Supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) Maintain systems of accounting and internal control designed to provide:

(A) Full disclosure of the financial results of the State of New Columbia government's activities;

(B) Adequate financial information needed by the State of New Columbia government for management purposes;

(C) Effective control over and accountability for all funds, property, and other assets;

(D) Reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) Submit to the House of Delegates a financial statement in any detail and at such times as the House of Delegates may specify;

(4) Submit to the House of Delegates, by February 1st of each fiscal year, a complete financial statement and report for the preceding fiscal year;

(5) Supervise and be responsible for the assessment of all property subject to assessment and special assessments within the limits of the State of New Columbia for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) Supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the State of New



Columbia, as required by law, and receive all moneys receivable by the State of New Columbia from the federal government or from any court, agency, or instrumentality of the State of New Columbia;

(7) Have custody of all public funds belonging to or under the control of the State of New Columbia, or any agency of the State of New Columbia government, and deposit all funds coming into his or her hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the House of Delegates;

(8) Have custody of all investments and invested funds of the State of New Columbia government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the State of New Columbia and the receipt and delivery of State of New Columbia bonds and notes for transfer, registration, or exchange; and

(9) Apportion the total of all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period, and all authorizations to create obligations by contract in advance of appropriations, apportion the total of such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

(b) Notwithstanding subsection (a) of this section, the Governor may make any payments required by subsection (b) or subsection (c) of section 714 and take any actions authorized by an act of the House of Delegates under section 707 or under subsection (a)(4)(A) or subsection (c), of section 718.

#### Sec. 609. Accounting supervision and control

The Governor shall:

(1) Prescribe the forms of receipts, vouchers, bills, and claims to be used by all the agencies, offices, and instrumentalities of the State of New Columbia government;

(2) Examine and approve all contracts, orders, and other documents by which the State of New Columbia government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligations shall become due and payable;

(3) Audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the State of New Columbia government and with the advice of the legal officials of the State of New Columbia determine the regularity, legality, and correctness of such claims, demands, or charges; and

(4) Perform internal audits of accounts and operations and agency records of the State of New Columbia government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.



Sec. 610. General and special funds

The General Fund of the State of New Columbia shall be composed of those revenues which on the effective date of this constitution have been paid into the Treasury of the District of Columbia and credited either to the General Fund of the District of Columbia or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the effective date of this constitution. The House of Delegates may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the State of New Columbia. All money received by any agency, officer, or employee of the State of New Columbia in its or his or her official capacity shall belong to the State of New Columbia government and shall be paid promptly to the Governor for deposit in the appropriate fund.

Sec. 611. Contracts extending beyond one year

No contract involving expenditures out of an appropriation which is available for more than 1 year shall be made for a period of more than 5 years unless, with respect to a particular contract, the House of Delegates, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the House of Delegates.

Sec. 612. Annual budget for the Board of Education

With respect to the annual budget for the Board of Education in the State of New Columbia, the Governor and the House of Delegates may establish the maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education.

Sec. 613. State of New Columbia Auditor

(a) There is established for the State of New Columbia the Office of State of New Columbia Auditor who shall be appointed by the President of the House of Delegates, subject to the approval of a majority of the House of Delegates. The State of New Columbia Auditor shall serve for a term of 6 years and shall be paid at a rate of compensation as may be established from time to time by the House of Delegates.

(b) The State of New Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the State of New Columbia in accordance with such principles and procedures and under such rules and regulations as he or she may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the State of New Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The State of New Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the State of New Columbia government and necessary to facilitate the audit.

(d) The State of New Columbia Auditor shall submit his or her audit reports to the Governor and the House of Delegates. Such reports shall set forth the scope of the audits conducted by him or her and shall include such comments and information as the State of New Columbia Auditor may deem necessary to keep the Governor and the House of Delegates informed of the operations to which the reports relate, together with such recommendations with respect thereto as he or she may deem advisable.

(e) The House of Delegates shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Governor shall state in writing to the House of Delegates, within an appropriate time, what action he or she has taken to effectuate the recommendations made by the State of New Columbia Auditor in his or her reports.

## ARTICLE VII. BORROWING

### Sec. 701. State of New Columbia's authority to issue and redeem general obligation bonds for capital projects

(a) Subject to the limitations in section 719(b), the State of New Columbia may incur indebtedness by issuing general obligation bonds to refund indebtedness of the State of New Columbia at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall bear interest, payable on such dates, at such rate or rates and at such maturities as the Governor, subject to the provisions of section 702, may from time to time determine to be necessary to make such bonds marketable.

(b) The State of New Columbia may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Governor prior to the issuance of such obligations.

### Sec. 702. Contents of borrowing legislation and elections on issuing general obligation bonds

The House of Delegates may by act authorize the issuance of general obligation bonds for the purposes specified in section 701. Such an act shall contain, at least, provisions:

- (1) Briefly describing each project to be financed by the act;
- (2) Identifying the act authorizing each such project;
- (3) Setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project;
- (4) Setting forth the maximum rate of interest to be paid on such indebtedness;
- (5) Setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and

(6) Setting forth, in the event that the House of Delegates determines in its discretion to submit the question of issuing such bonds to a vote of the qualified voters of the State of New Columbia, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

Sec. 703. Publication of borrowing legislation

(a) After each act of the House of Delegates of the State of New Columbia under section 702 authorizing the issuance of general obligation bonds has taken effect, the Governor shall publish such act at least once in at least 1 newspaper of general circulation within the State of New Columbia together with a notice that such act has taken effect. Each such notice shall be in substantially the following form:

“NOTICE

The following act of the House of Delegates of the State of New Columbia (published with this notice) authorizing the issuance of general obligation bonds has taken effect. As provided in the constitution of the State of New Columbia, the time within which a suit, action or proceeding questioning the validity of such bonds may be commenced expires at the end of the 20-day period beginning on the date of the 1st publication of this notice.

“.....

“Governor.”

(b) Neither the failure to publish the notice provided in subsection (a) of this section nor any error in any publication of such notice shall impair the effectiveness of the act of the House of Delegates authorizing the issuance of such bonds or the validity of any bond issued pursuant to such act.

Sec. 704. Short period of limitation

(a) At the end of the 20-day period beginning on the date of the 1st publication pursuant to section 703(a) of the notice that an act authorizing the issuance of general obligation bonds has taken effect:

(1) Any recital or statement of fact contained in such act or in the preamble or title of such act shall be deemed to be true for the purpose of determining the validity of the bonds authorized by such act, and the State of New Columbia and all others interested shall be estopped from denying any such recital or statement of fact; and

(2) Such act, and all proceedings in connection with the authorization of the issuance of such bonds including any election held on the question of issuing such bonds, shall be deemed to have been duly and regularly taken, passed, and done by the State of New Columbia, in compliance with this constitution and all other applicable laws for the purpose of determining the validity of such act and proceedings; and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of such act or proceedings except in a suit, action, or proceeding commenced before the end of such 20-day period.



(b) At the end of the 20-day period beginning on the date of the 1st publication pursuant to section 703(a) of the notice that an act authorizing the issuance of general obligation bond has taken effect, no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of any general obligation bond issued pursuant to such act if:

(1) Such general obligation bond was purchased in good faith and for fair value; and

(2) Such general obligation bond contains substantially the following statement which shall bind the State of New Columbia:

“It is hereby certified and recited that all conditions, act, and things required by the State of New Columbia constitution and other applicable laws to exist, to have happened, and to have been performed precedent to and in the issuance of this bond exist, have happened, and have been performed and that the issue of bonds, of which this is one, together with all other indebtedness of the State of New Columbia, is within every debt and other limit prescribed by law.”

#### Sec. 705. Issuance of general obligation bonds

(a) After an act of the House of Delegates authorizing the issuance of general obligation bonds under section 701(a) takes effect, the Governor may issue such general obligation bonds as authorized by such act of the House of Delegates. An issue of general obligation bonds may be all or any part of the aggregate principal amount of bonds authorized by such act.

(b) The principal amount of the general obligation bonds of each issue shall be payable in annual installments beginning not more than 3 years after the date of such bonds and ending not more than 30 years after such date.

(c) The general obligation bonds of each issue shall be executed by the manual or facsimile signature of such officials as may be designated to sign such bonds by the act of the House of Delegates authorizing the issuance of the bonds, except that at least 1 such signature shall be manual. Coupons attached to the bonds shall be authenticated by the facsimile signature of the Governor unless the House of Delegates provides otherwise.

#### Sec. 706. Public or private sale

(a) Except as provided in subsection (b) of this section, general obligation bonds issued under this article shall be sold at public sale upon sealed proposals after publication of a notice of such sale at least once not less than 10 days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of state and municipal bonds published in the city of New York, New York, and in 1 or more newspapers of general circulation published in the State of New Columbia. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the State of New Columbia as a down payment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Governor shall reserve the right to reject any and all bids.

(b) Any issue of general obligation bonds which is additionally secured by a security interest created in State of New Columbia revenues may be sold at either a public sale under subsection (a) or at private sale on a negotiated basis in such manner as the Governor may determine to be in the public interest unless the House of Delegates, in the act authorizing the issuance of the bonds, provides otherwise.

Sec. 707. Authority to create security interests in State of New Columbia revenues

(a) An act of the House of Delegates authorizing the issuance of general obligation bonds under section 701(a) may create a security interest in any State of New Columbia revenues as additional security for the payment of the bonds authorized by such act.

(b) Any such act creating a security interest in State of New Columbia revenues may contain provisions (which may be part of the contract with the holders of such bonds):

(1) Describing the particular State of New Columbia revenues which are subject to such security interest;

(2) Creating a reasonably required debt service reserve fund or any other special fund;

(3) Authorizing the Governor of the State of New Columbia to execute a trust indenture securing the bonds;

(4) Vesting in the trustee under such a trust indenture such properties, rights, powers, and duties in trust as may be necessary, convenient, or desirable;

(5) Authorizing the Governor of the State of New Columbia to enter into and amend agreements concerning:

(A) The custody, collection, use, disposition, security, investment, and payment of the proceeds of the bonds and the State of New Columbia revenues which are subject to such security interest; and

(B) The doing of any act (or the refraining from doing any act) that the State of New Columbia would have the right to do in the absence of such an agreement;

(6) Prescribing the remedies of the holders of the bonds in the event of a default; and

(7) Authorizing the Governor of the State of New Columbia to take any other actions in connection with the issuance, sale, delivery, security, and payment of the bonds.

(c) Any security interest in State of New Columbia revenues created under subsection (a) of this section shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery of any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims

against the State of New Columbia whether or not such individual or legal entity has notice of such lien.

Sec. 708. Borrowing to meet appropriations

(a) In the absence of unappropriated revenues available to meet appropriations made pursuant to section 606, the House of Delegates may by act authorize the issuance of general obligation notes. The total amount of all such general obligation notes originally issued during a fiscal year shall not exceed 2 per centum of the total appropriations for the State of New Columbia for such fiscal year.

(b) Any general obligation note issued under subsection (a) of this section, as authorized by an act of the House of Delegates, may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year occurring immediately after the fiscal year during which the act authorizing the original issuance of such note takes effect.

Sec. 709. Borrowing in anticipation of revenues

(a) In anticipation of the collection or receipt of revenues for a fiscal year, the House of Delegates may by act authorize the issuance of general obligation notes for such fiscal year, to be known as revenue anticipation notes.

(b) The total amount of all revenue anticipation notes issued under subsection (a) of this section outstanding at any time during a fiscal year shall not exceed 20 per centum of the total anticipated revenue of the State of New Columbia for such fiscal year, as certified by the Governor under this subsection. The Governor shall certify, as of a date which occurs not more than 15 days before each original issuance of such revenue anticipation notes, the total anticipated revenue of the State of New Columbia for such fiscal year.

(c) Any revenue anticipation note issued under subsection (a) of this section may be renewed. Any such note, including any renewal of such note, shall be due and payable not later than the last day of the fiscal year during which the note was originally issued.

Sec. 710. Notes redeemable prior to maturity

No notes issued pursuant to this article shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

Sec. 711. Sales of notes

All notes issued pursuant to this article may be sold at not less than par and accrued interest at private sale without previous advertising.

Sec. 712. Special tax

Any act of the House of Delegates authorizing the issuance of general obligation bonds under section 701(a) shall provide for the annual levy of a



special tax or charge, if the House of Delegates determines that such tax or charge is necessary. Such tax or charge shall be levied, without limitation as to rate or amount, in amounts which together with other State of New Columbia revenues available and applicable will be sufficient to pay the principal of and interest on such general obligation bonds as they become due and payable. Such tax or charge shall be levied and collected at the same time and in the same manner as other State of New Columbia taxes are levied and collected, and when collected shall be set aside in a separate debt service fund and irrevocably dedicated to the payment of such principal and interest.

Sec. 713. Full faith and credit of State of New Columbia pledged

The full faith and credit of the State of New Columbia is pledged for the payment of the principal of and interest on any general obligation bond or note issued under section 701(a), 708(a), or 709(a), whether or not such pledge is stated in such bond or note or in the act authorizing the issuance of such bond or note.

Sec. 714. Payment of the general obligation bonds and notes

(a) The House of Delegates shall provide in each annual budget for the State of New Columbia government for a fiscal year adopted by the House of Delegates pursuant to section 606 sufficient funds to pay the principal of and interest on all general obligation bonds or notes issued under section 701(a), 708(a), or 709(a) becoming due and payable during such fiscal year.

(b) The Governor shall insure that the principal of and interest on all general obligation bonds and notes issued under 701(a), 708(a), or 709(a) are paid when due, including by paying such principal and interest from funds not otherwise legally committed.

(c) If the Governor determines that no other funds are available to pay the principal and interest due and payable during any fiscal year on any general obligation bond or note issued under section 701(a), 708(a), or 709(a), the annual federal payment appropriated for such fiscal year shall first be used to pay such principal or interest.

Sec. 715. Tax exemption

Bonds and notes issued by the House of Delegates pursuant to this article and the interest thereon may be exempt from all State of New Columbia taxation except estate, inheritance, and gift taxes.

Sec. 716. Legal investment

Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the State of New Columbia may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this article, it being the

purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. Banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this article. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

Sec. 717. Financing of State of New Columbia contributions by general obligation bonds

Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the State of New Columbia share of the cost of the adopted regional system described in the National Capital Transportation Act of 1969 may be payable from the proceeds of the sale of State of New Columbia general obligation bonds issued pursuant to this article.

Sec. 718. Revenue bonds and other obligations

(a)(1) The House of Delegates may by act authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, to refinance, or to assist in the financing or refinancing of undertakings in the areas of housing, health facilities, transit and utility facilities, recreational facilities, college and university facilities, college and university programs which provide loans for the payment of educational expenses for or on behalf of students, cultural facilities, educational facilities, mass commuting facilities, sewage disposal facilities, solid waste disposal facilities, facilities for the local furnishing of electric energy or gas, facilities for the furnishing of water, local district heating or cooling facilities, hazardous waste disposal facilities, manufacturing facilities, and any other undertaking that the House of Delegates determines to be for a public purpose. Any such financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(2) Any revenue bond, note, or other obligation issued under paragraph (1) of this subsection shall be a special obligation of the State of New Columbia and shall be a negotiable instrument.

(3) Any revenue bond, note or other obligation issued under paragraph (1) of this subsection shall be paid and secured (as to principal, interest, and any premium) as provided by the act of the House of Delegates authorizing the issuance of such bond, note, or other obligation. Subject to subsection (c) of this section, any act of the House of Delegates authorizing the issuance of such bond, note, or other obligation may provide for:

(A) The payment of such bond, note, or other obligation from any available revenues, assets, or property; and

(B) The securing of such bond, note, or other obligation by the mortgage of real property or the creation of any security interest in available revenues, assets, or other property.

(4) (A) In authorizing the issuance of any revenue bond, note, or other obligation under paragraph (1) of this subsection, the House of Delegates may enter into or authorize the Governor to enter into any agreement concerning the acquisition, use, or disposition of any funds or property. Any such agreement may create any security interest in any funds or property, may provide for the custody, collection, security, investment, and payment of any funds (including any funds held in trust) for the payment of such bond, note, or other obligation, may mortgage any property, may provide for the acquisition, construction, maintenance, and disposition of the undertaking financed or refinanced using the proceeds of such bond, note, or other obligation, and may provide for the doing of any act (or the refraining from doing of any act) which the State of New Columbia has the right to do in the absence of such agreement. Any such agreement may be assigned for the benefit of, or made a part of any contract with, any holder of such revenue bond, note, or other obligation issued under paragraph (1) of this subsection.

(B) Any security interest created under subparagraph (A) of this paragraph shall be valid, binding, and perfected from the time such security interest is created, with or without the physical delivery or [of] any funds or any other property and with or without any further action. Such security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to such security interest is recorded or filed. The lien created by such security interest is valid, binding, and perfected with respect to any individual or legal entity having claims against the State of New Columbia, whether or not such individual or legal entity has notice of such lien.

(C) Any funds of the State of New Columbia held for the payment or security of any revenue bond, note, or other obligation issued under paragraph (1) of this subsection, whether or not such funds are held in trust, may be secured in the manner agreed to by the State of New Columbia and any depository of such funds. Any depository of such funds may give security for the deposit of such funds.

(b) Any and all such bonds, notes, or other obligations shall not be general obligations of the State of New Columbia and shall not be a pledge of or involve the faith and credit or the taxing power of the State of New Columbia, shall not constitute a debt of the State of New Columbia, and shall not constitute lending of the public credit for private undertakings as contained in section 308(2).

(c) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the House of Delegates without the necessity of submitting the question of such issuance to the registered qualified electors of the State of New Columbia for approval or disapproval.

(d) Any act of the House of Delegates authorizing the issuance of revenue bonds, notes, or other obligations under paragraph (1) of subsection (a) of this section may:

(1) Briefly describe the purpose for which such bonds, notes, or other obligations are to be issued;



(2) Identify the act authorizing such purpose;

(3) Prescribe the form, terms, provisions, manner and method of issuing and selling (including sale by negotiation or by competitive bid) such bonds, notes, or other obligations;

(4) Provide for the rights and remedies of the holders of such bonds, notes, or other obligations upon default;

(5) Prescribe any other details with respect to the issuance, sale, or securing of such bonds, notes, or other obligations; and

(6) Authorize the Governor to take any actions in connection with the issuance, sale, delivery, security, and payment of such notes, bonds, or other obligations, including the prescribing of any terms or conditions not contained in such act of the House of Delegates.

(e)(1) The House of Delegates may delegate to any housing finance agency established by it (whether established before or after the date of enactment of this subsection) the authority of the House of Delegates under subsection (a) of this section to issue revenue bonds, notes, and other obligations to borrow money to finance or assist in the financing of undertakings in the area of primarily low- and moderate-income housing. The House of Delegates shall define for the purposes of the preceding sentence what undertakings shall constitute undertakings in the area of primarily low- and moderate-income housing. Any such housing finance agency may exercise authority delegated to it by the House of Delegates as described in the 1st sentence of this paragraph (whether such delegation is made before or after the date of enactment of this subsection) only in accordance with this subsection.

(2) Revenue bonds, notes, and other obligations issued by a housing finance agency of the State of New Columbia under a delegation of authority described in paragraph (1) of this subsection shall be issued by resolution of the agency, and any such resolution shall not be considered to be an act of the House of Delegates.

#### Sec. 719. Limitations on borrowing and spending

(a)(1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such loans, to exceed 14 per centum of the State of New Columbia revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such loans and the sale of general obligation or revenue bonds) which the Governor estimates, and the State of New Columbia Auditor certifies, will be credited to the State of New Columbia during the fiscal year in which the bonds will be issued. Capital project loans include all borrowings from the United States Treasury, except those funds advanced to the State of New Columbia by the Secretary of the Treasury under the provisions of section 2 of title VII of the District of Columbia Revenue Act of 1937.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957, and obligations incurred by the Redevelopment Land Agency and the National Capital Housing Authority shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding paragraph.

(3) The 14 per centum limitation specified in paragraph (1) of this subsection shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 14 percent of the State of New Columbia revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such loans and the sale of general obligation or revenue bonds) which the Governor estimates, and the State of New Columbia Auditor certifies, will be credited to the State of New Columbia during the fiscal year for which the bonds will be issued;

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and such loans;

(C) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such loan to be issued;

(D) If in any 1 fiscal year the sum arrived at by adding subparagraphs (B) and (C) of this paragraph exceeds the amount determined under subparagraph (A) of this paragraph then the proposed general obligation bond or loan in subparagraph (C) of this paragraph cannot be issued.

(b) The House of Delegates shall not approve any budget which would result in expenditures being made by the State of New Columbia government, during any fiscal year, in excess of all resources which the Governor estimates will be available from all funds available to the State of New Columbia for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The House of Delegates shall be required to adopt such tax increases to the extent its budget is approved. For the purposes of this section, the House of Delegates shall use a federal payment amount not to exceed the amount authorized by Congress.

(c) The Governor shall not forward to the House of Delegates a budget which is not balanced according to the provision of subsection (b) of this section.

## ARTICLE VIII. INDEPENDENT AGENCIES

### Sec. 801. Board of Elections and Ethics

(a) There is created a State of New Columbia Board of Elections and Ethics (hereafter in this article referred to as the "Board"), to be composed of 3 members, no more than 2 of whom shall be of the same political party, appointed by the Governor, with the advice and consent of the House of Delegates. Members shall be appointed to serve for terms of 3 years.

(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he or she is filling.



(c) A member may be reappointed, and, if not reappointed, the member shall serve until his or her successor has been appointed and qualifies.

(d) The Governor shall, from time to time, designate the Chair of the Board.

#### Sec. 802. Zoning Commission

(a)(1) To protect the public health, secure the public safety, and to protect property in the State of New Columbia there is created a Zoning Commission for the State of New Columbia, which shall consist of 5 members appointed by the Governor, by and with the advice and consent of the House of Delegates. Each member shall serve for a term of 4 years.

(2) Members of the Zoning Commission shall be entitled to receive compensation as determined by the Governor, with the approval of a majority of the House of Delegates.

(3) Members of the Zoning Commission may be reappointed. Each member shall serve until his or her successor has been appointed and qualifies.

(4) The Chair of the Zoning Commission shall be selected by the members.

(5) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the State of New Columbia as provided by law.

(b) Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the National Capital.

(c)(1) No zoning regulation or map, or any amendment thereto, may be adopted by the Zoning Commission until the Zoning Commission has held a public hearing, after notice, on such proposed regulation, map, or amendment.

(2) The notice required by paragraph (1) of this subsection shall be published at least 30 days prior to such public hearing and shall include a statement as to the time and place of the hearing and a summary of all changes in existing zoning regulations which would be made by adoption of the proposed regulation, map, or amendment. The Zoning Commission shall give such additional notice as it deems expedient and practicable. All interested persons shall be given a reasonable opportunity to be heard at such public hearing. If the hearing is adjourned from time to time, the time and place of reconvening shall be publicly announced prior to adjournment.

#### Sec. 803. Public Service Commission

There shall be a Public Service Commission, to be composed of 3 members appointed by the Governor with the advice and consent of the House of Delegates, whose function shall be to insure that every public utility doing business within the State of New Columbia is required to furnish services and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminating charge for such facility or service is prohibited and is hereby declared unlawful.



Sec. 804. Armory Board

There is established an Armory Board, to be composed of the Commanding General of the State of New Columbia National Guard, and 2 other members appointed by the Governor of the State of New Columbia by and with the advice and consent of the House of Delegates of the State of New Columbia. The members appointed by the Governor shall each serve for a term of 4 years.

Sec. 805. Board of Education

(a) The control of the public schools in the State of New Columbia is vested in a Board of Education to consist of 11 elected members, 3 of whom are to be elected at large, and 1 to be elected from each of the 8 school election districts established under State of New Columbia election laws. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such laws. If the House of Delegates redistricts the State of New Columbia into 16 districts, pursuant to section 1101(c), the House of Delegates is authorized to increase the number of school election districts and provide for staggered terms of office for the members elected from these districts, by act.

ARTICLE IX. INITIATIVE; REFERENDUM; RECALL

Sec. 901. Definitions

(a) The term “initiative” means the process by which the electors of the State of New Columbia may propose laws (except laws appropriating funds) and present such proposed laws directly to the registered qualified electors of the State of New Columbia for their approval or disapproval.

(b) The term “referendum” means the process by which the registered qualified electors of the State of New Columbia may repeal acts of the House of Delegates of the State of New Columbia (except emergency acts, acts levying taxes, or acts appropriating funds for the general operation budget).

Sec. 902. Process

(a) An initiative or referendum may be proposed by the presentation of a petition to the State of New Columbia Board of Elections and Ethics containing the signatures of registered qualified electors equal in number to 5 percent of the registered electors in the State of New Columbia: Provided, that the total signatures submitted include 5 percent of the registered electors in each of  $\frac{5}{8}$ ths or more of the districts. The number of registered electors which is used for computing these requirements shall be according to the latest official count of registered electors by the Board of Elections and Ethics which was issued 30 or more days prior to submission of the signatures for the particular initiative or referendum petition.

Sec. 903. Submission of measure at election

The Board of Elections and Ethics shall submit an initiative measure without alteration at the next general, special or primary election held at least

90 days after the measure is received. The Board of Elections and Ethics shall hold an election on a referendum measure within 114 days of its receipt of a petition as provided in section 902. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a petition as provided in section 902, the Board of Elections and Ethics may present the referendum at that election.

Sec. 904. Rejection of measure

If a majority of the registered qualified electors voting in a referendum on a referred law vote to disapprove the law, such action shall be deemed a repeal of the law or that portion of the law on the referendum ballot and no action may be taken by the House of Delegates of the State of New Columbia with regard to the matter presented at referendum for the 365 days following the date of the State of New Columbia Board of Elections and Ethics' certification of the vote concerning the referendum.

Sec. 905. Approval of measure

If a majority of the registered qualified electors adopt legislation by initiative, then the adopted initiative shall be an act of the House of Delegates upon the certification of the vote on such initiative by the Board of Elections and Ethics, and such act shall become law.

Sec. 906. Short title and summary

The Board of Elections and Ethics shall be empowered to propose a short title and summary of the initiative and referendum matter which accurately reflects the intent and meaning of the proposed referendum or initiative. Any citizen may petition the Superior Court of the State of New Columbia no later than 30 days prior to the election at which the initiative or referendum will be held for a writ in the nature of mandamus to correct any inaccurate short title and summary by the Board of Elections and Ethics and to mandate that Board to properly state the summary of the initiative or referendum measure.

Sec. 907. "Recall" defined

The term "recall" means the process by which the qualified electors of the State of New Columbia may call for the holding of an election to remove or retain an elected official of the State of New Columbia prior to the expiration of his or her term.

Sec. 908. Process

Any elected officer of the State of New Columbia government may be recalled by the registered electors of the election district from which he or she was elected or by the registered electors of the State of New Columbia at large in the case of an at-large elected officer, whenever a petition demanding his or her recall, signed by 10 percent of the registered electors thereof, is filed with the

Board of Elections and Ethics. The 10 percent shall be computed from the total number of the registered electors from the district, according to the latest official count of registered electors by the Board of Elections and Ethics which was issued 30 or more days prior to submission of the signatures for the particular recall petition. In the case of an at-large elected official, the 10 percent shall include 10 percent of the registered electors in each of  $\frac{5}{8}$ ths or more of the State of New Columbia's districts. The Board of Elections and Ethics shall hold an election within 114 days of its receipt of a petition as provided in section 902. If a previously scheduled general, primary, or special election will occur between 54 and 114 days of its receipt of a petition as provided in section 902, then the Board of Elections and Ethics may present the recall question at that election.

Sec. 909. Time limits on initiation of process

The process of recalling an elected official may not be initiated within the first 365 days nor the last 365 days of his or her term of office. Nor may the process be initiated within 1 year after a recall election has been determined in his or her favor.

Sec. 910. When official removed; filling of vacancies

An elected official is removed from office if a majority of the qualified electors voting in the election vote to remove him or her. The vacancy created by such recall shall be filled in the same manner as other vacancies in the office.

ARTICLE X. MISCELLANEOUS

Sec. 1001. Advisory neighborhood commissions

(a) The House of Delegates shall by act divide the State of New Columbia into neighborhood commission areas following each decennial census reapportionment. In designating such neighborhoods, the House of Delegates shall consider natural geographic boundaries, election districts, and divisions of the State of New Columbia made for the purpose of administration of services.

(b) Elections for members of each advisory neighborhood commission shall be nonpartisan, and shall be administered by the Board of Elections and Ethics. Advisory neighborhood commission members shall be elected from single-member districts within each neighborhood commission area by the registered qualified electors of such district.

(c) Each advisory neighborhood commission:

(1) May advise the State of New Columbia government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood commission area;

(2) May employ staff and expend, for public purposes within its neighborhood commission area, public funds and other funds donated to it; and

(3) Shall have such other powers and duties as may be provided by act of the House of Delegates.



(d) In the manner provided by act of the House of Delegates, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood commission of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood commission area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood commissions, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood commission area, the State of New Columbia government shall allot funds to the advisory neighborhood commissions out of the general revenues of the State of New Columbia in an amount which is not less than the amount provided in the prior fiscal year. The funding apportioned to each advisory neighborhood commission shall bear the same ratio to the full sum allotted as the population of the neighborhood bears to the population of the State of New Columbia. The House of Delegates may authorize additional methods of financing advisory neighborhood commissions.

(f) The House of Delegates shall by act make provisions for the handling of funds and accounts by each advisory neighborhood commission and shall establish guidelines with respect to the employment of persons by each advisory neighborhood commission which shall include fixing the status of such employees with respect to the State of New Columbia government, but all such provisions and guidelines shall be uniform for all advisory neighborhood commissions and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood commission. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the State of New Columbia.

(g) The House of Delegates shall have authority, in accordance with the provisions of this constitution, to legislate with respect to the advisory neighborhood commissions established in this section.

(h) The issues and concerns raised by an affected advisory neighborhood commission in the recommendations of that commission shall be given great weight during the deliberations by a State of New Columbia governmental agency, board, or commission.

## Sec. 1002. Agreements

(a) The Governor shall annually estimate the amount of the State of New Columbia's principal and interest expense which is required to service State of New Columbia obligations attributable to the Maryland and Virginia pro rata share of State of New Columbia sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those states. Such amounts as determined by the Governor pursuant to the agreements described in subsection (b) of this section shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the State of New Columbia's capital project obligations as provided in section 719(a).

(b) The Governor shall enter into agreements with the states and local jurisdictions concerned for annual payments to the State of New Columbia of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the operation of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

(c) The Governor is authorized to enter into agreements with the President of the United States or the President's designee for the purpose of obligating the State of New Columbia to provide police, fire, and other essential services to the District of Columbia.

Sec. 1003. Contract authority of Governor regarding costs of Potomac River reservoir; contract payments; appropriations

(a) The Governor is authorized to contract with the United States, any state in the Potomac River basin, any agency or political subdivision thereof, and any other competent state or local authority, with respect to the payment by the State of New Columbia to the United States, either directly or indirectly, of the State of New Columbia's equitable share of any part or parts of the non-federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Governor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the House of Delegates, all payments made by the State of New Columbia and all moneys received by the State of New Columbia pursuant to any contract made under the authority of this constitution shall be paid from, or be deposited in, a fund designated by the Governor. Charges for water delivered from the State of New Columbia water system for use outside the State of New Columbia may be adjusted to reflect the portions of any payments made by the State of New Columbia under contracts authorized by this constitution which are equitably attributable to such use outside the State of New Columbia.

(c) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

Sec. 1004. Open meetings

(a) All meetings (including hearings) of any department, agency, board, or commission of the State of New Columbia government, including meetings of the House of Delegates of the State of New Columbia, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the

State of New Columbia government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost.

## ARTICLE XI. TRANSITION PROVISIONS

Sec. 1101. Transfer of the offices of members of the Council of the District of Columbia, Chairman of the Council of the District of Columbia, and Mayor of the District of Columbia

(a) The Council of the District of Columbia and the offices of Chairman of the Council of the District of Columbia and Mayor of the District of Columbia, as established by sections 401, 411, and 421 of the District of Columbia Government Self-Government and Governmental Reorganization Act, are abolished as of the effective date of this constitution.

(b) In order to provide continuity during the transition from the government of the District of Columbia established by the District of Columbia Government Self-Government and Governmental Reorganization Act and the State of New Columbia established by this constitution, the members of the Council of the District of Columbia, the Chairman of the Council of the District of Columbia, and the Mayor of the District of Columbia in office as of the effective date of this constitution shall be deemed members of the House of Delegates, President of the House of Delegates, and Governor, respectively, until the expiration of that term of office held on the effective date of this constitution. Vacancies in these offices during the holdover term shall be filled as provided in sections 301(b), 301(d), and 401.

(c) New members of the House of Delegates shall be elected to take office on January 2nd of the next odd numbered year beginning more than 1 year from the effective date of this constitution. In the interim period between the effective date of this constitution and 1 year from the effective date of this constitution, the members of the House of Delegates shall by act:

(1) Increase the membership of the House of Delegates to 25 effective January 2nd of the next odd numbered year beginning more than 1 year from the effective date of this constitution by increasing the number of at large members to 8 and by either:

(A) Redistricting the State of New Columbia into 16 districts; or

(B) Providing for the election of 2 district representatives from each of the existing 8 districts of the State of New Columbia; and

(2) Provide for an initial 2 year term of office for 12 of the 18 members of the House of Delegates taking office on January 2nd of the next odd numbered year beginning more than 1 year from the effective date of this constitution. Thereafter, the term of office of all members of the House of Delegates shall be 4 years.

(d) Positions previously held on boards, commissions, and regional bodies by members of the Council of the District of Columbia, the Chairman of the Council of the District of Columbia, or the Mayor of the District of Columbia shall be held after the effective date of this constitution by members of the



House of Delegates, the President of the House of Delegates, and the Governor, respectively.

(e) For those boards and commissions established by Articles V and VIII of this constitution, members not federally appointed and in office as of the effective date of this constitution shall continue to serve until the expiration of that term of office held on the effective date of this constitution. The terms of federally appointed members shall expire as of the effective date of this constitution and no vacancies shall be deemed to be created by the abolition of these positions.

#### Sec. 1102. Continuation of State of New Columbia court system

(a) In order to provide continuity during the transition from the government of the District of Columbia established by the District of Columbia Government Self-Government and Governmental Reorganization Act and the State of New Columbia established by this constitution, the members of the District of Columbia Superior Court and the Court of Appeals of the District of Columbia appointed as of the effective date of this constitution shall be deemed members of the State of New Columbia Superior Court and the Court of Appeals of the State of New Columbia, respectively, until the expiration of that term of office held on the effective date of this constitution.

(b) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, the District of Columbia Commission on Judicial Disabilities and Tenure, and the Judicial Nomination Commission shall continue as provided under the District of Columbia Court Reorganization Act of 1970 subject to the provisions of Article V of this constitution.

(c) The term and qualifications of any judge of any District of Columbia court appointed prior to the effective date of this constitution shall not be affected by the provisions of Article V of this constitution. No provision of this constitution shall be construed to extend the term of any such judge. Judges of the State of New Columbia courts and members of the State of New Columbia Commission on Judicial Disabilities and Tenure and the Judicial Nomination Commission appointed after the effective date of this constitution shall be appointed according to Article V.

(d) Nothing in this constitution shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, dealing with retirement, or to authorize a decrease in the level of compensation of the judges of the District of Columbia courts or the members of the Commission on Judicial Disabilities and Tenure or the Judicial Nomination Commission as of the effective date of this constitution. The compensation received by judges of the State of New Columbia courts shall not be diminished during their continuance in office.

#### Sec. 1103. Continuation of Board of Education

In order to provide continuity during the transition from the government of the District of Columbia established by the District of Columbia Government

Self-Government and Governmental Reorganization Act and the State of New Columbia established by this constitution, the members of the District of Columbia Board of Education in office as of the effective date of this constitution shall be deemed members of the Board of Education established by section 805 until the expiration of that term of office held on the effective date of this constitution. The term of any member elected to the District of Columbia Board of Education and the powers and duties of the Board of Education shall not be affected by the provisions of section 805. No provision of section 805 shall be construed to extend the term of any current Board of Education member or to terminate the term of any such member.

Sec. 1104. Pending actions and proceedings

All existing writs, actions, suit, judicial and administrative proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights shall continue unaffected except as modified in accordance with the provisions of this constitution. The State of New Columbia shall be the legal successor to the District of Columbia in all matters.

Sec. 1105. Laws in force

Upon the effective date of this constitution, all of the laws then in force in the District of Columbia shall be and continue in force and effect throughout the State of New Columbia, except as modified or changed by the State of New Columbia admissions act, or by this constitution, or as thereafter modified or changed by the legislature of the State of New Columbia or by initiative as provided in Article IX.

Sec. 1106. Personnel rights

Nothing in this constitution shall be construed as affecting the rights of employees of the State of New Columbia who were employed by the District of Columbia government prior to the effective date of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-601.1 [1-601.01] et seq.) ("Merit Personnel Act"), to personnel benefits, including, but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulations adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the Merit Personnel Act.

Sec. 1107. Debts; assets; records

The debts and liabilities of the District of Columbia as of the effective date of this constitution shall be assumed by the State of New Columbia, and debts owed to the District of Columbia shall be collected by the State of New Columbia. Assets and records of the District of Columbia shall become the property of the State of New Columbia.

Sec. 1108. Residency and qualifications

Residence, citizenship, or other qualifications under the District of Columbia may be used towards the fulfillment of corresponding qualifications required by this constitution.

Sec. 1109. Adjustments

The Governor, with the approval of the House of Delegates, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the State of New Columbia to the United States, or by the United States to the State of New Columbia, shall be ascertained and paid.

Sec. 1110. Voting rights

Any person who resides in any area which was a part of the District of Columbia immediately prior to the admission of the State of New Columbia but which is not included in the State of New Columbia may, at his or her option, be deemed to be a resident of the State of New Columbia for purposes of voting in a State of New Columbia election unless that person claims residency in another state for voting purposes.

ARTICLE XII. RULES OF CONSTRUCTION

Sec. 1201. Construction of constitution

To the extent that any provisions of this constitution are inconsistent with the provisions of any other laws applicable exclusively in or to the State of New Columbia, the provisions of this constitution shall prevail and shall be deemed to supersede the provisions of such laws.





# CONSTITUTION OF THE UNITED STATES OF AMERICA

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Amendment XXVII.

**Amendment —**

*(PROPOSED)*

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*(PROPOSED)*

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## [Preamble]

WE THE PEOPLE of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this CONSTITUTION for the United States of America.

## ARTICLE I.

### Section 1.

#### [Legislative Powers]

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

### Section 2.

#### [House of Representatives, How Constituted, Power of Impeachment]

[Clause 1] The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors



in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.

[Clause 2] No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

[Clause 3] Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of free Persons, including those bound to Service for a Term of Years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct. The Number of Representatives shall not exceed one for every thirty Thousand, but each State shall have at Least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode-Island and Providence Plantations one, Connecticut five, New-York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

[Clause 4] When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.

[Clause 5] The House of Representatives shall chuse their Speaker and other Officers; and shall have the sole Power of Impeachment.

### Section 3.

#### [The Senate, How Constituted, Impeachment Trials]

[Clause 1] The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have one Vote.

[Clause 2] Immediately after they shall be assembled in Consequence of the first Election, they shall be divided as equally as may be into three Classes. The Seats of the Senators of the first Class shall be vacated at the Expiration of the second Year, of the second Class at the Expiration of the fourth Year, and of the third Class at the Expiration of the sixth Year, so that one third may be chosen every second Year; and if Vacancies happen by Resignation, or otherwise, during the Recess of the Legislature of any State, the Executive thereof may make temporary Appointments until the next Meeting of the Legislature, which shall then fill such Vacancies.

[Clause 3] No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen.

[Clause 4] The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

## CONSTITUTION OF THE UNITED STATES OF AMERICA

[Clause 5] The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States.

[Clause 6] The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

[Clause 7] Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

### Section 4.

#### [Election of Senators and Representatives]

[Clause 1] The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

[Clause 2] The Congress shall assembly at least once in every Year, and such Meeting shall be on the first Monday in December, unless they shall by Law appoint a different day.

### Section 5.

#### [Quorum, Journals, Meetings, Adjournments]

[Clause 1] Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

[Clause 2] Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

[Clause 3] Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

[Clause 4] Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

### Section 6.

#### [Compensation, Privileges, Disabilities]

[Clause 1] The Senators and Representatives shall receive a Compensation

for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

[Clause 2] No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

## Section 7.

### [Procedure in Passing Bills and Resolutions]

[Clause 1] All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

[Clause 2] Every Bill which shall have passed the House of Representatives and the Senate, shall, before it become a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall enter the Objections at large on their Journal, and proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent, together with the Objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a Law. But in all such Cases the Votes of both Houses shall be determined by yeas and Nays, and the Names of the Persons voting for and against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the President within ten Days (Sundays excepted) after it shall have been presented to him, the Same shall be a Law, in like Manner as if he had signed it, unless the Congress by their Adjournment prevent its Return, in which Case it shall not be a Law.

[Clause 3] Every Order, Resolution, or Vote to which the Concurrence of the Senate and House of Representatives may be necessary (except on a question of Adjournment) shall be presented to the President of the United States; and before the Same shall take Effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the Rules and Limitations prescribed in the Case of a Bill.

## Section 8.

### [Powers of Congress]

[Clause 1] The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defense and



general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

[Clause 2] To borrow Money on the credit of the United States;

[Clause 3] To regulate Commerce with foreign Nations, and among the several States and with the Indian Tribes;

[Clause 4] To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

[Clause 5] To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

[Clause 6] To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

[Clause 7] To establish Post Offices and post Roads;

[Clause 8] To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

[Clause 9] To constitute Tribunals inferior to the supreme Court;

[Clause 10] To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

[Clause 11] To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

[Clause 12] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

[Clause 13] To provide and maintain a Navy;

[Clause 14] To make Rules for the Government and Regulation of the land and naval Forces;

[Clause 15] To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

[Clause 16] To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

[Clause 17] To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings; — And

[Clause 18] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

## Section 9.

### [Limitations upon Powers of Congress]

[Clause 1] The Migration or Importation of such Persons as any of the

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States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person.

[Clause 2] The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

[Clause 3] No Bill of Attainder or ex post facto Law shall be passed.

[Clause 4] No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.

[Clause 5] No Tax or Duty shall be laid on Articles exported from any State.

[Clause 6] No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

[Clause 7] No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

[Clause 8] No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

### Section 10.

#### [Restrictions upon Powers of States]

[Clause 1] No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

[Clause 2] No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

[Clause 3] No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

## ARTICLE II.

### Section 1.

#### [Executive Power, Election, Qualifications of the President]

[Clause 1] The executive Power shall be vested in a President of the United

States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected, as follows:

[Clause 2] Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the Whole Number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector.

[Clause 3] The Electors shall meet in their respective States, and vote by Ballot for two Persons, of whom one at least shall not be an Inhabitant of the same State with themselves. And they shall make a List of all the Persons voted for, and of the Number of Votes for each; which List they shall sign and certify, and transmit sealed to the Seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the Presence of the Senate and House of Representatives, open all the Certificates, and the Vote shall then be counted. The Person having the greatest Number of Votes shall be the President, if such Number be a Majority of the whole Number of Electors appointed; and if there be more than one who have such Majority, and have an equal Number of Votes, then the House of Representatives shall immediately chuse by Ballot one of them for President; and if no Person have a Majority, then from the five highest on the List the said House shall in like Manner chuse the President. But in chusing the President, the Votes shall be taken by States, the Representation from each State having one Vote; A quorum for this Purpose shall consist of a Member or Members from two thirds of the States, and a Majority of all the States shall be necessary to a Choice. In every Case, after the Choice of the President, the Person having the greatest Number of Votes of the Electors shall be the Vice President. But if there should remain two or more who have equal Votes, the Senate shall chuse from them by Ballot the Vice President.

[Clause 4] The Congress may determine the Time of chusing the Electors, and the Day on which they shall give their Votes; which Day shall be the same throughout the United States.

[Clause 5] No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.

[Clause 6] In Case of the Removal of the President from Office, or of his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the Same shall devolve on the Vice President, and the Congress may by Law provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

[Clause 7] The President shall, at stated Times, receive for his Services, a Compensation, which shall neither be encreased or diminished during the Period for which he shall have been elected, and he shall not receive within that Period any other Emolument from the United States, or any of them.



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[Clause 8] Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: — “I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

### Section 2.

#### [Powers of the President]

[Clause 1] The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offences against the United States, except in Cases of Impeachment.

[Clause 2] He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper in the President alone, in the Courts of Law, or in the Heads of Departments.

[Clause 3] The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session.

### Section 3.

#### [Powers and Duties of the President]

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States.

### Section 4.

#### [Impeachment]

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

ARTICLE III.

Section 1.

[Judicial Power, Tenure of Office]

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Section 2.

[Jurisdiction]

[Clause 1] The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; — to all Cases affecting Ambassadors, other public Ministers and Consuls; — to all Cases of admiralty and maritime Jurisdiction; — to Controversies to which the United States shall be a Party; — to Controversies between two or more States; — between a State and Citizens of another State; — between Citizens of different States, — between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

[Clause 2] In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

[Clause 3] The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section 3.

[Treason, Proof and Punishment]

[Clause 1] Treason against the United States, shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort. No Person shall be convicted of Treason unless on the Testimony of two Witnesses to the same overt Act, or on Confession in open Court.

[Clause 2] The Congress shall have Power to declare the punishment of Treason, but no Attainder of Treason shall work Corruption of Blood, or Forfeiture except during the Life of the Person attainted.

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ARTICLE IV.

Section 1.

[Faith and Credit among States]

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

Section 2.

[Privileges and Immunities, Fugitives]

[Clause 1] The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.

[Clause 2] A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

[Clause 3] No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.

Section 3.

[Admission of New States]

[Clause 1] New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

[Clause 2] The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Section 4.

[Guarantee of Republican Government]

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.



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ARTICLE V.

[Amendment of the Constitution]

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in the three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate.

ARTICLE VI.

[Debts, Supremacy, Oath]

[Clause 1] All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

[Clause 2] This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

[Clause 3] The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

ARTICLE VII.

[Ratification and Establishment]

The Ratification of the Conventions of nine States, shall be sufficient for the Establishment of this Constitution between the States so ratifying the Same.

DONE in Convention by the Unanimous Consent of the States present the Seventeenth Day of September in the Year of our Lord one thousand seven hundred and Eighty seven and of the Independence of the United States of America the Twelfth IN WITNESS whereof We have hereunto subscribed our Names,

Go. WASHINGTON  
*Presidt. and deputy from Virginia*

CONSTITUTION OF THE UNITED STATES OF AMERICA

*New Hampshire*

JOHN LANGDON

NICHOLAS GILMAN

*Massachusetts*

NATHANIEL GORHAM

RUFUS KING

*Connecticut*

WM. SAML. JOHNSON

ROGER SHERMAN

*New York*

ALEXANDER HAMILTON

*New Jersey*

WIL: LIVINGSTON

WM. PATERSON

DAVID BREARLEY

JONA: DAYTON

*Pennsylvania*

B FRANKLIN

THOS. FITZSIMONS

THOMAS MIFFLIN

JARED INGERSOLL

ROBT MORRIS

JAMES WILSON

GEO. CLYMER

GOUV. MORRIS

*Delaware*

GEO. READ

RICHARD BASSETT

GUNNING BEDFORD JUN

JACO. BROOM

JOHN DICKINSON

*Maryland*

JAMES MCHENRY

DANL CARROLL

DAN OF ST THOS. JENIFER

*Virginia*

JOHN BLAIR—

JAMES MADISON JR.

*North Carolina*

WM. BLOUNT

HU WILLIAMSON

RICH'D DOBBS SPAIGHT

*South Carolina*

J. RUTLEDGE

CHARLES PINCKNEY

CHARLES COTESWORTH PINCKNEY

PIERCE BUTLER

CONSTITUTION OF THE UNITED STATES OF AMERICA

*Georgia*

WILLIAM FEW

ABR BALDWIN

Attest:

*Secretary.*

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WILLIAM JACKSON

RATIFICATION OF THE CONSTITUTION

The Constitution was adopted by a convention of the States on September 17, 1787, and was subsequently ratified by the several States, on the following dates: Delaware, December 7, 1787; Pennsylvania, December 12, 1787; New Jersey, December 18, 1787; Georgia, January 2, 1788; Connecticut, January 9, 1788; Massachusetts, February 6, 1788; Maryland, April 28, 1788; South Carolina, May 23, 1788; New Hampshire, June 21, 1788.

Ratification was completed on June 21, 1788.

The Constitution was subsequently ratified by Virginia, June 25, 1788; New York, July 26, 1788; North Carolina, November 21, 1789; Rhode Island, May 29, 1790; and Vermont, January 10, 1791.



# AMENDMENTS TO THE CONSTITUTION.

## [AMENDMENT I].

### [Freedom of Religion, of Speech, and of the Press]

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assembly, and to petition the Government for a redress of grievances.

## [AMENDMENT II].

### [Right to Keep and Bear Arms]

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

## [AMENDMENT III].

### [Quartering of Soldiers]

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

## [AMENDMENT IV].

### [Security from Unwarrantable Search and Seizure]

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

## [AMENDMENT V].

### [Rights of Accused in Criminal Proceedings]

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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[AMENDMENT VI].

[Right to Speedy Trial, Witnesses, etc.]

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

[AMENDMENT VII].

[Trial by Jury in Civil Cases]

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

[AMENDMENT VIII].

[Bails, Fines, Punishments]

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

[AMENDMENT IX].

[Reservation of Rights of the People]

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

[AMENDMENT X].

[Powers Reserved to States or People]

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

[AMENDMENT XI].

[Restriction of Judicial Power]

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United

States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

[AMENDMENT XII].

[Election of President and Vice-President]

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; — The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; — The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. — The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

[AMENDMENT XIII].

Section 1.

[Abolition of Slavery]

Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.



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Section 2.

[Power to Enforce This Article]

Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT XIV].

Section 1.

[Citizenship Rights Not to Be Abridged by States]

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2.

[Apportionment of Representatives in Congress]

Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3.

[Persons Disqualified from Holding Office]

No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4.

[What Public Debts Are Valid]

The validity of the public debt of the United States, authorized by law,

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including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

### Section 5.

#### [Power to Enforce This Article]

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

### [AMENDMENT XV].

#### Section 1.

#### [Negro Suffrage]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

#### Section 2.

#### [Power to Enforce This Article]

The Congress shall have power to enforce this article by appropriate legislation.

### [AMENDMENT XVI].

#### [Authorizing income taxes]

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

### [AMENDMENT XVII].

#### [Popular Election of Senators]

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: *Provided*, That the legislature of any State may empower the

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executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

[AMENDMENT XVIII].

Section 1.

[National Liquor Prohibition]

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

Section 2.

[Power to Enforce This Article]

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

Section 3.

[Ratification within Seven Years]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

[AMENDMENT XIX].

[Woman suffrage]

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT XX].

Section 1.

[Terms of Office]

The terms of the President and Vice President shall end at noon on the 20th day of January, and the terms of Senators and Representatives at noon on the 3d day of January, of the years in which such terms would have ended if this article had not been ratified; and the terms of their successors shall then begin.



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## Section 2.

### [Time of Convening Congress]

The Congress shall assemble at least once in every year, and such meeting shall begin at noon on the 3d day of January, unless they shall by law appoint a different day.

## Section 3.

### [Death of President Elect]

If, at the time fixed for the beginning of the term of the President, the President elect shall have died, the Vice President elect shall become President. If a President shall not have been chosen before the time fixed for the beginning of his term, or if the President elect shall have failed to qualify, then the Vice President elect shall act as President until a President shall have qualified; and the Congress may by law provide for the case wherein neither a President elect nor a Vice President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

## Section 4.

### [Election of the President]

The Congress may by law provide for the case of the death of any of the persons from whom the House of Representatives may choose a President whenever the right of choice shall have devolved upon them, and for the case of the death of any of the persons from whom the Senate may choose a Vice President whenever the right of choice shall have devolved upon them.

## Section 5.

### [Effective Date of Sections 1 and 2]

Sections 1 and 2 shall take effect on the 15th day of October following the ratification of this article.

## Section 6.

### [Ratification within Seven Years]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission.

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[AMENDMENT XXI].

Section 1.

[National Liquor Prohibition Repealed]

The eighteenth article of amendment to the Constitution of the United States is hereby repealed.

Section 2.

[Transportation of Liquor into "Dry" States]

The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.

Section 3.

[Ratification within Seven Years]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

[AMENDMENT XXII].

Section 1.

[Terms of Office of the President]

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by the Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

Section 2.

[Ratification within Seven Years]

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

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[AMENDMENT XXIII].

Section 1.

[Electors for President and Vice President in District of Columbia]

The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

Section 2.

[Power to Enforce Article]

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT XXIV].

Section 1.

[Poll Tax Payment Not Required to Vote in Federal Elections]

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Section 2.

[Power to Enforce Article]

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT XXV].

Section 1.

[Succession upon Death, Resignation or Removal of President]

In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.



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## Section 2.

### [Vacancy in Office of Vice President]

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

## Section 3.

### [Declaration by President of Inability to Perform Duties]

Whenever the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

## Section 4.

### [Declaration of President's Disability by Vice President and Other Officers; Determination of Issue]

Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress, within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office.

## [AMENDMENT XXVI].

### Section 1.

#### [Voting by Persons Eighteen Years of Age]

The right of citizens of the United States, who are eighteen years of age or

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older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2.

[Power to Enforce This Article]

The Congress shall have power to enforce this article by appropriate legislation.

[AMENDMENT XXVII].

[Compensation of Members of Congress]

No Law, varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

[AMENDMENT        ]

[Equal Rights for Men and Women]

Section 1.

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

Section 2.

The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3.

This amendment shall take effect two years after the date of ratification.

[AMENDMENT        ]

[Representation of the District of Columbia in Congress]

Section 1.

For purposes of representation in the Congress, election of the President and Vice President, and article V of this Constitution, the District constituting the seat of government of the United States shall be treated as though it were a State.

Section 2.

The exercise of the rights and powers conferred under this article shall be by the people of the District constituting the seat of government, and as shall be provided by the Congress.

Section 3.

The twenty-third article of amendment to the Constitution of the United States is hereby repealed.

## **EQUAL RIGHTS AMENDMENT RATIFICATION ACT OF 1978**

### **D.C. Law 2-79**

In the Council of the District of Columbia, June 13, 1978, to endorse ratification of the Equal Rights Amendment (ERA) so that no person shall be denied equality of rights under the law on account of sex.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Equal Rights Amendment (ERA) Ratification Act of 1978".

Sec. 2. The Council of the District of Columbia finds that:

(a) Women have been second class citizens legally and economically as a result of laws which bestow privileges, responsibilities, or benefits to one sex and not the other.

(b) Women are generally paid less than men for comparable work, or are underemployed relative to their abilities. The median salary for full-time female workers is currently about three thousand dollars (\$3,000) less per year than for men.

(c) Women represent fifty-one (51) percent of the population and forty-three (43) percent of the labor force, yet only eighteen (18) percent of professionals (doctors, lawyers, and judges) are women.

(d) Women are discriminated against in obtaining credit, signing mortgages, and executing contracts.

Sec. 3. (a) The Equal Rights Amendment (ERA), introduced over 50 years ago, will help assure enforcement of equal rights for all persons regardless of sex.

(b) Only thirty-five (35) states have thus far ratified the Equal Rights Amendment (ERA). States which have not ratified the Equal Rights Amendment (ERA) are: Alabama, Arizona, Arkansas, Florida, Georgia, Illinois, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, South Carolina, Utah, and Virginia.

(c) The Equal Rights Amendment (ERA) must be ratified by three (3) more states in order to have a total of thirty-eight (38) by March 22, 1979 or it will be legislatively dormant for two (2) years before the ratification process begins again.

(d) As of November 1977, legislation has been introduced in Congress to extend the ratification date for the Equal Rights Amendment (ERA) from March 1979 to March 1986.

Sec. 4. (a) The Council recognizes that formal ratification of the Equal Rights Amendment (ERA) by the District of Columbia is not possible in the Constitutional sense, but strongly believes in equal rights for all citizens.



Therefore, the term “ratify” as employed herein, conforms to standard dictionary usage as “to approve or confirm; especially to give official sanction.”

(b) The Council of the District of Columbia considers the Equal Rights Amendment (ERA) socially, economically, and politically viable and is concerned that the seven (7) year time limit for ratification of the Equal Rights Amendment (ERA) will restrict full consideration of the amendment by those states which have not ratified the amendment, thereby blocking its passage.

(c) Considering the time limit for ratification of the Equal Rights Amendment (ERA) and the pending resolution for an extension of that time limit, the Council of the District of Columbia, in its ratification act, would like to lead the way for additional states to consider and ratify the Equal Rights Amendment (ERA).

Sec. 5. The Council of the District of Columbia full and unequivocally ratifies the Equal Rights Amendment (ERA) which provides that: “Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.”

Sec. 6. This act shall take effect following the period provided for Congressional review of the acts of the Council of the District of Columbia in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act.























